

ELECTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Election Code to provide that the primary voting method in Utah is conducted by mail and to reflect current practices and technology in elections.

Highlighted Provisions:

This bill:

- ▶ modifies and defines terms;
- ▶ addresses types, forms, disposition, and counting of ballots;
- ▶ addresses the completion, security, verification, handling, and storage of ballots, forms, and other items used in elections;
- ▶ replaces state absentee ballots with mailed ballots;
- ▶ provides for emergency ballots;
- ▶ modifies the duties of election officers, other government officers, and governing bodies in relation to elections;
- ▶ modifies criminal provisions relating to elections;
- ▶ modifies and standardizes voter registration deadlines;
- ▶ modifies voter registration forms, requirements, and procedures;
- ▶ recodifies and amends voting requirements and procedures;
- ▶ modifies electioneering restrictions;
- ▶ modifies provisions relating to appointing poll workers and the functions of poll workers;
- ▶ modifies voter eligibility challenge provisions;
- ▶ amends provisions relating to a board of canvassers;
- ▶ addresses ballot drop boxes;
- ▶ repeals outdated provisions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**36 **AMENDS:**37 **11-14-202**, as last amended by Laws of Utah 2019, Chapter 25538 **11-14-203**, as last amended by Laws of Utah 2019, Chapter 43339 **11-14-204**, as renumbered and amended by Laws of Utah 2005, Chapter 10540 **11-14-206**, as last amended by Laws of Utah 2017, Chapter 15741 **17B-1-306**, as last amended by Laws of Utah 2019, Chapter 25542 **20A-1-102**, as last amended by Laws of Utah 2019, First Special Session, Chapter 443 **20A-1-308**, as enacted by Laws of Utah 2013, Chapters 182, 219 and last amended by
44 Coordination Clause, Laws of Utah 2013, Chapter 18245 **20A-1-403**, as enacted by Laws of Utah 1993, Chapter 146 **20A-1-601**, as last amended by Laws of Utah 2018, Chapter 1947 **20A-1-602**, as last amended by Laws of Utah 2018, Chapter 1948 **20A-1-603**, as last amended by Laws of Utah 2018, Chapter 1949 **20A-1-604**, as last amended by Laws of Utah 2018, Chapter 1950 **20A-1-605**, as last amended by Laws of Utah 2018, Chapter 1951 **20A-1-607**, as last amended by Laws of Utah 2018, Chapter 27452 **20A-1-609**, as last amended by Laws of Utah 2019, Chapter 21053 **20A-2-102.5**, as last amended by Laws of Utah 2018, Chapter 20654 **20A-2-108**, as last amended by Laws of Utah 2018, Chapters 206 and 27055 **20A-2-201**, as last amended by Laws of Utah 2018, Chapters 206 and 28156 **20A-2-202**, as last amended by Laws of Utah 2019, Chapter 25557 **20A-2-204**, as last amended by Laws of Utah 2019, Chapters 136 and 25558 **20A-2-205**, as last amended by Laws of Utah 2019, Chapter 25559 **20A-2-206**, as last amended by Laws of Utah 2018, Chapter 20660 **20A-2-207**, as enacted by Laws of Utah 2018, Chapter 20661 **20A-2-300.5**, as enacted by Laws of Utah 1994, Chapter 31162 **20A-2-301**, as last amended by Laws of Utah 2019, Chapter 25563 **20A-2-302**, as last amended by Laws of Utah 2015, Chapter 130

64 **20A-2-304**, as last amended by Laws of Utah 2018, Chapter 206
65 **20A-2-307**, as last amended by Laws of Utah 2018, Chapter 206
66 **20A-4-101**, as last amended by Laws of Utah 2018, Chapters 187 and 274
67 **20A-4-102**, as last amended by Laws of Utah 2018, Chapters 187 and 274
68 **20A-4-103**, as last amended by Laws of Utah 2018, Chapter 281
69 **20A-4-104**, as last amended by Laws of Utah 2019, Chapter 255
70 **20A-4-105**, as last amended by Laws of Utah 2018, Chapter 187
71 **20A-4-106**, as last amended by Laws of Utah 2018, Chapter 187
72 **20A-4-107**, as last amended by Laws of Utah 2019, Chapter 255
73 **20A-4-201**, as last amended by Laws of Utah 2019, Chapter 255
74 **20A-4-202**, as last amended by Laws of Utah 2019, Chapter 255
75 **20A-4-303**, as last amended by Laws of Utah 2002, Chapter 133
76 **20A-4-401**, as last amended by Laws of Utah 2019, Chapter 255
77 **20A-5-102**, as last amended by Laws of Utah 2019, Chapter 433
78 **20A-5-205**, as last amended by Laws of Utah 2006, Chapter 326
79 **20A-5-206**, as last amended by Laws of Utah 2012, Chapter 251
80 **20A-5-302**, as last amended by Laws of Utah 2018, Chapter 274
81 **20A-5-401**, as last amended by Laws of Utah 2019, Chapter 433
82 **20A-5-403**, as last amended by Laws of Utah 2017, Chapter 108
83 **20A-5-404**, as last amended by Laws of Utah 2018, Chapter 187
84 **20A-5-405**, as last amended by Laws of Utah 2019, Chapter 255
85 **20A-5-406**, as last amended by Laws of Utah 2018, Chapter 274
86 **20A-5-407**, as last amended by Laws of Utah 2007, Chapter 329
87 **20A-5-408**, as enacted by Laws of Utah 1993, Chapter 1
88 **20A-5-601**, as last amended by Laws of Utah 2019, Chapter 433
89 **20A-5-602**, as last amended by Laws of Utah 2014, Chapters 31, 391 and last amended
90 by Coordination Clause, Laws of Utah 2014, Chapter 31
91 **20A-5-603**, as last amended by Laws of Utah 2007, Chapter 75
92 **20A-5-605**, as last amended by Laws of Utah 2019, Chapter 255
93 **20A-5-801**, as enacted by Laws of Utah 2017, Chapter 32

94 **20A-5-804**, as enacted by Laws of Utah 2017, Chapter 32
95 **20A-6-101**, as last amended by Laws of Utah 2016, Chapter 66
96 **20A-6-102**, as last amended by Laws of Utah 2018, Chapter 274
97 **20A-6-105**, as last amended by Laws of Utah 2018, Chapters 206 and 270
98 **20A-6-203**, as last amended by Laws of Utah 2006, Chapter 326
99 **20A-6-301**, as last amended by Laws of Utah 2018, Chapter 274
100 **20A-6-302**, as last amended by Laws of Utah 2019, Chapter 255
101 **20A-6-304**, as last amended by Laws of Utah 2016, Chapter 66
102 **20A-6-401**, as last amended by Laws of Utah 2018, Chapter 274
103 **20A-6-401.1**, as last amended by Laws of Utah 2018, Chapter 274
104 **20A-6-402**, as last amended by Laws of Utah 2018, Chapters 187 and 274
105 **20A-7-607**, as last amended by Laws of Utah 2019, Chapter 203
106 **20A-7-609.5**, as last amended by Laws of Utah 2019, Chapter 203
107 **20A-7-613**, as last amended by Laws of Utah 2019, Chapters 203 and 255
108 **20A-7-702**, as last amended by Laws of Utah 2018, Chapter 80 and last amended by
109 Coordination Clause, Laws of Utah 2018, Chapter 403
110 **20A-7-801**, as last amended by Laws of Utah 2019, Chapter 255
111 **20A-9-406**, as last amended by Laws of Utah 2018, Chapter 274
112 **20A-9-806**, as last amended by Laws of Utah 2019, Chapter 433
113 **20A-9-808**, as last amended by Laws of Utah 2019, Chapter 433
114 **20A-11-206**, as last amended by Laws of Utah 2019, Chapter 74
115 **20A-11-305**, as last amended by Laws of Utah 2016, Chapter 16
116 **20A-11-1305**, as last amended by Laws of Utah 2018, Chapter 19
117 **20A-16-202**, as renumbered and amended by Laws of Utah 2011, Chapter 327
118 **20A-16-401**, as last amended by Laws of Utah 2013, Chapter 198
119 **20A-16-406**, as last amended by Laws of Utah 2012, Chapter 369
120 **20A-16-407**, as last amended by Laws of Utah 2011, Chapter 366 and renumbered and
121 amended by Laws of Utah 2011, Chapter 327
122 **63I-2-220**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
123 ENACTS:
124 **20A-3a-101**, Utah Code Annotated 1953

125 **20A-3a-201**, Utah Code Annotated 1953

126 **20A-3a-204**, Utah Code Annotated 1953

127 **20A-3a-502**, Utah Code Annotated 1953

128 **20A-5-403.5**, Utah Code Annotated 1953

129 RENUMBERS AND AMENDS:

130 **20A-3a-102**, (Renumbered from 20A-3-101, as last amended by Laws of Utah 2019,
131 Chapter 433)

132 **20A-3a-103**, (Renumbered from 20A-3-101.5, as last amended by Laws of Utah 2019,
133 Chapter 433)

134 **20A-3a-104**, (Renumbered from 20A-3-102, as last amended by Laws of Utah 2007,
135 Chapter 329)

136 **20A-3a-105**, (Renumbered from 20A-3-103, as enacted by Laws of Utah 1993, Chapter
137 1)

138 **20A-3a-202**, (Renumbered from 20A-3-302, as last amended by Laws of Utah 2019,
139 Chapter 255)

140 **20A-3a-203**, (Renumbered from 20A-3-104, as last amended by Laws of Utah 2010,
141 Chapter 197)

142 **20A-3a-205**, (Renumbered from 20A-3-105.5, as last amended by Laws of Utah 2013,
143 Chapter 390)

144 **20A-3a-206**, (Renumbered from 20A-3-106, as last amended by Laws of Utah 2019,
145 Chapter 142)

146 **20A-3a-207**, (Renumbered from 20A-3-107, as last amended by Laws of Utah 2007,
147 Chapter 75)

148 **20A-3a-208**, (Renumbered from 20A-3-108, as last amended by Laws of Utah 2011,
149 Chapter 366)

150 **20A-3a-209**, (Renumbered from 20A-3-109, as last amended by Laws of Utah 2007,
151 Chapter 75)

152 **20A-3a-301**, (Renumbered from 20A-3-306.5, as last amended by Laws of Utah 2019,
153 Chapter 255)

154 **20A-3a-401**, (Renumbered from 20A-3-308, as last amended by Laws of Utah 2018,

155 Chapter 274 and last amended by Coordination Clause, Laws of Utah 2018, Chapter
156 464)
157 **20A-3a-402**, (Renumbered from 20A-3-309, as last amended by Laws of Utah 2016,
158 Chapter 37)
159 **20A-3a-403**, (Renumbered from 20A-3-310, as enacted by Laws of Utah 1993, Chapter
160 1)
161 **20A-3a-501**, (Renumbered from 20A-3-501, as last amended by Laws of Utah 2007,
162 Chapters 75 and 329)
163 **20A-3a-503**, (Renumbered from 20A-3-503, as enacted by Laws of Utah 1993, Chapter
164 1)
165 **20A-3a-504**, (Renumbered from 20A-3-504, as last amended by Laws of Utah 2015,
166 Chapter 55)
167 **20A-3a-505**, (Renumbered from 20A-3-505, as last amended by Laws of Utah 2008,
168 Chapter 276)
169 **20A-3a-506**, (Renumbered from 20A-3-506, as enacted by Laws of Utah 2006, Chapter
170 15)
171 **20A-3a-601**, (Renumbered from 20A-3-601, as last amended by Laws of Utah 2018,
172 Chapters 195, 206, and 281)
173 **20A-3a-602**, (Renumbered from 20A-3-602, as last amended by Laws of Utah 2019,
174 Chapter 73)
175 **20A-3a-603**, (Renumbered from 20A-3-603, as last amended by Coordination Clause,
176 Laws of Utah 2018, Chapter 403)
177 **20A-3a-604**, (Renumbered from 20A-3-604, as last amended by Laws of Utah 2019,
178 Chapter 255)
179 **20A-3a-605**, (Renumbered from 20A-3-605, as last amended by Laws of Utah 2018,
180 Chapter 206)
181 **20A-3a-701**, (Renumbered from 20A-3-701, as enacted by Laws of Utah 2011, Chapter
182 291)
183 **20A-3a-702**, (Renumbered from 20A-3-702, as last amended by Laws of Utah 2018,
184 Chapter 274)
185 **20A-3a-703**, (Renumbered from 20A-3-703, as last amended by Coordination Clause,

186 Laws of Utah 2018, Chapter 403)
187 **20A-3a-801**, (Renumbered from 20A-3-201, as repealed and reenacted by Laws of Utah
188 2018, Chapter 274)
189 **20A-3a-802**, (Renumbered from 20A-3-201.5, as enacted by Laws of Utah 2010,
190 Chapter 83)
191 **20A-3a-803**, (Renumbered from 20A-3-202, as last amended by Laws of Utah 2019,
192 Chapter 433)
193 **20A-3a-804**, (Renumbered from 20A-3-202.3, as last amended by Laws of Utah 2018,
194 Chapters 195 and 274)
195 **20A-3a-805**, (Renumbered from 20A-3-202.5, as last amended by Laws of Utah 2018,
196 Chapter 274)
197 **20A-3a-806**, (Renumbered from 20A-3-203, as last amended by Laws of Utah 2018,
198 Chapter 274)
199 **20A-5-410**, (Renumbered from 20A-3-304.1, as last amended by Laws of Utah 2008,
200 Chapter 382)
201 REPEALS:
202 **20A-3-104.5**, as last amended by Laws of Utah 2019, Chapter 433
203 **20A-3-105**, as last amended by Laws of Utah 2019, Chapter 142
204 **20A-3-301**, as last amended by Laws of Utah 2013, Chapter 198
205 **20A-3-303**, as last amended by Laws of Utah 2008, Chapter 193
206 **20A-3-304**, as last amended by Laws of Utah 2019, Chapters 255 and 433
207 **20A-3-305**, as last amended by Laws of Utah 2019, Chapter 255
208 **20A-3-306**, as last amended by Laws of Utah 2019, Chapter 255
209 **20A-3-307**, as last amended by Laws of Utah 2012, Chapter 309
210 **20A-3-502**, as enacted by Laws of Utah 1993, Chapter 1
211 **20A-5-604**, as last amended by Laws of Utah 2019, Chapter 255
212 **20A-6-303**, as last amended by Laws of Utah 2016, Chapter 66

213

214 *Be it enacted by the Legislature of the state of Utah:*215 Section 1. Section **11-14-202** is amended to read:

11-14-202. Notice of election -- Contents -- Publication -- Mailing.

(1) The governing body shall publish notice of the election:

(a) (i) once per week for three consecutive weeks before the election in a newspaper of general circulation in the local political subdivision, in accordance with Section 11-14-316, the first publication occurring not less than 21, nor more than 35, days before the day of the election;

(ii) if there is no newspaper of general circulation in the local political subdivision, at least 21 days before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the local political subdivision, in places within the local political subdivision that are most likely to give notice to the voters in the local political subdivision; or

(iii) at least three weeks before the day of the election, by mailing notice to each registered voter in the local political subdivision;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the election;

(c) in accordance with Section 45-1-101, for three weeks before the day of the election; and

(d) if the local political subdivision has a website, on the local political subdivision's website for at least three weeks before the day of the election.

(2) When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the governing body shall prepare and mail either a voter information pamphlet or a notification described in Subsection (8):

(a) at least 15 days, but not more than 45 days, before the bond election;

(b) to each household containing a registered voter who is eligible to vote on the bonds; and

(c) that includes the information required by Subsections (4) and (5).

(3) The election officer may change the location of, or establish an additional:

(a) voting precinct polling place, in accordance with Subsection (6);

(b) early voting polling place, in accordance with Subsection [20A-3-603]
20A-3a-603(2); or

(c) election day voting center, in accordance with Subsection [20A-3-703]

247 20A-3a-703(2).

248 (4) The notice described in Subsection (1) and the voter information pamphlet
249 described in Subsection (2):

250 (a) shall include, in the following order:

251 (i) the date of the election;

252 (ii) the hours during which the polls will be open;

253 (iii) the address of the Statewide Electronic Voter Information Website and, if

254 available, the address of the election officer's website, with a statement indicating that the

255 election officer will post on the website the location of each polling place for each voting

256 precinct, each early voting polling place, and each election day voting center, including any

257 changes to the location of a polling place and the location of an additional polling place;

258 (iv) a phone number that a voter may call to obtain information regarding the location
259 of a polling place; and

260 (v) the title and text of the ballot proposition, including the property tax cost of the
261 bond described in Subsection 11-14-206(2)(a); and

262 (b) may include the location of each polling place.

263 (5) The voter information pamphlet required by this section shall include:

264 (a) the information required under Subsection (4); and

265 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
266 which may be based on information the governing body determines to be useful, including:

267 (i) expected debt service on the bonds to be issued;

268 (ii) a description of the purpose, remaining principal balance, and maturity date of any
269 outstanding general obligation bonds of the issuer;

270 (iii) funds other than property taxes available to pay debt service on general obligation
271 bonds;

272 (iv) timing of expenditures of bond proceeds;

273 (v) property values; and

274 (vi) any additional information that the governing body determines may be useful to
275 explain the property tax impact of issuance of the bonds.

276 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the
277 deadlines described in Subsections (1) and (2):

(i) if necessary, change the location of a voting precinct polling place; or

(ii) if the election officer determines that the number of voting precinct polling places is insufficient due to the number of registered voters who are voting, designate additional voting precinct polling places.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of a voting precinct polling place or designates an additional voting precinct polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of a changed voting precinct polling place or an additional voting precinct polling place:

(i) to the lieutenant governor, for posting on the Statewide Electronic Voter Information Website;

(ii) by posting the information on the website of the election officer, if available; and

(iii) by posting notice:

(A) of a change in the location of a voting precinct polling place, at the new location and, if possible, the old location; and

(B) of an additional voting precinct polling place, at the additional voting precinct polling place.

(7) The governing body shall pay the costs associated with the notice required by this section.

(8) (a) The governing body may mail a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(b) The notice described in Subsection (8)(a) shall include:

(i) the website upon which the voter information pamphlet is available; and

(ii) the phone number a voter may call to request delivery of a voter information pamphlet by mail.

(9) A local school board shall comply with the voter information pamphlet requirements described in Section 53G-4-603.

Section 2. Section **11-14-203** is amended to read:

11-14-203. Time for election -- Equipment -- Election officials -- Combining precincts.

(1) (a) The local political subdivision shall ensure that bond elections are conducted and administered according to the procedures set forth in this chapter and the sections of the Election Code specifically referenced by this chapter.

(b) When a local political subdivision complies with those procedures, there is a presumption that the bond election was properly administered.

(2) (a) A bond election may be held, and the proposition for the issuance of bonds may be submitted, on the same date as the regular general election, the municipal general election held in the local political subdivision calling the bond election, or at a special election called for the purpose on a date authorized by Section 20A-1-204.

(b) A bond election may not be held, nor a proposition for issuance of bonds be submitted, at the presidential primary election held under Title 20A, Chapter 9, Part 8, Presidential Primary Election.

(3) (a) The bond election shall be conducted and administered by the election officer designated in Sections 20A-1-102 and 20A-5-400.5.

(b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part 4, Election Officer's Duties.

(ii) The publishing requirement under Subsection 20A-5-405(1)(~~jj~~)(h)(iii) does not apply when notice of a bond election has been provided according to the requirements of Section 11-14-202.

(c) The hours during which the polls are to be open shall be consistent with Section 20A-1-302.

(d) The appointment and duties of election judges shall be governed by Title 20A, Chapter 5, Part 6, Poll Workers.

(e) General voting procedures shall be conducted according to the requirements of Title 20A, Chapter 3, Voting.

(f) The designation of election crimes and offenses, and the requirements for the prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election Code.

(4) When a bond election is being held on a day when no other election is being held in the local political subdivision calling the bond election, voting precincts may be combined for purposes of bond elections so long as no voter is required to vote outside the county in which

the voter resides.

(5) When a bond election is being held on the same day as any other election held in a local political subdivision calling the bond election, or in some part of that local political subdivision, the polling places and election officials serving for the other election may also serve as the polling places and election officials for the bond election, so long as no voter is required to vote outside the county in which the voter resides.

Section 3. Section **11-14-204** is amended to read:

11-14-204. Challenges to voter qualifications.

(1) Any person's qualifications to vote at a bond election may be challenged according to the procedures and requirements of Sections [~~20A-3-105.5 and 20A-3-202~~] 20A-3a-205 and 20A-3a-803.

(2) A bond election may not be invalidated on the grounds that ineligible voters voted unless:

(a) it is shown by clear and convincing evidence that ineligible voters voted in sufficient numbers to change the result of the bond election; and

(b) the complaint is filed before the expiration of the time period permitted for contests in Subsection 20A-4-403(3).

(3) The votes cast by the voters shall be accepted as having been legally cast for purposes of determining the outcome of the election, unless the court in a bond election contest finds otherwise.

Section 4. Section **11-14-206** is amended to read:

11-14-206. Ballots -- Submission of ballot language -- Form and contents.

(1) At least 75 days before the election, the governing body shall prepare and submit to the election officer:

(a) a ballot title for the bond proposition that includes the name of the local political subdivision issuing the bonds and the word "bond"; and

(b) a ballot proposition that meets the requirements of Subsection (2).

(2) (a) The governing body shall ensure that the ballot proposition includes:

(i) the maximum principal amount of the bonds;

(ii) the maximum number of years from the issuance of the bonds to final maturity;

(iii) the general purpose for which the bonds are to be issued; and

(iv) if issuance of the bonds will require the increase of the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the following information in substantially the following form and in the following order:

"PROPERTY TAX COST OF BONDS:

If the bonds are issued as planned, [if applicable: without regard to the taxes currently levied for outstanding bonds that will reduce over time,] an annual property tax to pay debt service on the bonds will be required over a period of ____ years in the estimated amount of \$____ (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) on a residence and in the estimated amount of \$____ on a business property having the same value.

[If applicable] If there are other outstanding bonds, an otherwise scheduled tax decrease may not occur if these bonds are issued.

The foregoing information is only an estimate and is not a limit on the amount of taxes that the governing body may be required to levy in order to pay debt service on the bonds. The governing body is obligated to levy taxes to the extent provided by law in order to pay the bonds."

(b) The governing body may state the purpose of the bonds in general terms and need not specify the particular projects for which the governing body intends to issue the bonds or the specific amount of bond proceeds that the governing body intends to expend for each project.

(c) If the governing body intends that the bonds be payable in part from tax proceeds and in part from the operating revenues of the local political subdivision, or from any combination of tax proceeds and operating revenues, the governing body may indicate those payment sources on the bond proposition, but need not specify how the governing body intends to divide the bonds between those sources of payment.

(d) (i) The governing body shall ensure that the bond proposition is followed by the words, "For the issuance of bonds" and "Against the issuance of bonds," with appropriate boxes in which the voter may indicate the voter's choice.

(ii) Nothing in Subsection (2)(d)(i) prohibits the addition of descriptive information about the bonds.

(3) If a bond proposition is submitted to a vote on the same day as any other election

held in the local political subdivision calling the bond election, the governing body or an election officer may combine the bond proposition with the candidate ballot in a manner consistent with Section 20A-6-301[, ~~20A-6-303,~~] or 20A-6-402.

(4) The governing body shall ensure that the ballot form complies with the requirements of Title 20A, Chapter 6, Ballot Form.

Section 5. Section **17B-1-306** is amended to read:

17B-1-306. Local district board -- Election procedures.

(1) Except as provided in Subsection (12), each elected board member shall be selected as provided in this section.

(2) (a) Each election of a local district board member shall be held:

(i) at the same time as the municipal general election or the regular general election, as applicable; and

(ii) at polling places designated by the local district board in consultation with the county clerk for each county in which the local district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.

(b) The local district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

(c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.

(ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

(3) The clerk of each local district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:

(a) each elective position of the local district to be filled at the next municipal general election or regular general election, as applicable;

(b) the constitutional and statutory qualifications for each position; and

(c) the dates and times for filing a declaration of candidacy.

(4) The clerk of the local district shall publish the notice described in Subsection (3):

(a) by posting the notice on the Utah Public Notice Website created in Section

63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

(b) (i) by posting the notice in at least five public places within the local district at least

10 days before the first day for filing a declaration of candidacy; or

(ii) publishing the notice:

(A) in a newspaper of general circulation within the local district at least three but no more than 10 days before the first day for filing a declaration of candidacy;

(B) in accordance with Section 45-1-101, for 10 days before the first day for filing a declaration of candidacy; and

(c) if the local district has a website, on the local district's website for 10 days before the first day for filing a declaration of candidacy.

(5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective local district board position, an individual shall file a declaration of candidacy in person with an official designated by the local district, during office hours, within the candidate filing period for the applicable election year in which the election for the local district board is held.

(b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.

(c) Subject to Subsection (5)(f), an individual may designate an agent to file a declaration of candidacy with the official designated by the local district if:

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the official designated by the local district; and

(iii) the individual communicates with the official designated by the local district using an electronic device that allows the individual and official to see and hear each other.

(d) (i) Before the filing officer may accept any declaration of candidacy from an individual, the filing officer shall:

(A) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking; and

(B) require the individual to state whether the individual meets those requirements.

(ii) If the individual does not meet the qualification requirements for the office, the filing officer may not accept the individual's declaration of candidacy.

(iii) If it appears that the individual meets the requirements of candidacy, the filing officer shall accept the individual's declaration of candidacy.

(e) The declaration of candidacy shall be in substantially the following form:

"I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, state of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name of the local district); that I am a candidate for that office to be voted upon at the next election; and that, if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, ____.

(Signed) _____

(Clerk or Notary Public)"

(f) An agent designated under Subsection (5)(c) may not sign the form described in Subsection (5)(e).

(g) Each individual wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.

(h) If at least one individual does not file a declaration of candidacy as required by this section, an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512.

(i) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:

(i) consider the candidate to be elected to the position; and

(ii) cancel the election.

(6) (a) A primary election may be held if:

(i) the election is authorized by the local district board; and

(ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.

(b) The primary election shall be conducted:

(i) on the same date as the municipal primary election or the regular primary election, as applicable; and

(ii) according to the procedures for primary elections provided under Title 20A, Election Code.

(7) (a) Except as provided in Subsection (7)(c), within one business day after the deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate names to the clerk of each county in which the local district is located.

(b) (i) Except as provided in Subsection (7)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located and the local district clerk shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the ballot with the appropriate election officer.

(ii) If consolidation of the local district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the local district board of trustees, in consultation with the county clerk, shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2).

(c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

(ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.

(B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.

(C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.

(8) (a) Each voter at an election for a board of trustees member of a local district shall:

(i) be a registered voter within the district, except for an election of:

(A) an irrigation district board of trustees member; or

(B) a basic local district board of trustees member who is elected by property owners;

526 and

527 (ii) meet the requirements to vote established by the district.

528 (b) Each voter may vote for as many candidates as there are offices to be filled.

529 (c) The candidates who receive the highest number of votes are elected.

530 (9) Except as otherwise provided by this section, the election of local district board
531 members is governed by Title 20A, Election Code.

532 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
533 local district board shall serve a four-year term, beginning at noon on the January 1 after the
534 person's election.

535 (b) A person elected shall be sworn in as soon as practical after January 1.

536 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
537 the county or municipality holding an election under this section for the costs of the election
538 attributable to that local district.

539 (b) Each irrigation district shall bear its own costs of each election it holds under this
540 section.

541 (12) This section does not apply to an improvement district that provides electric or gas
542 service.

543 (13) Except as provided in Subsection [~~20A-3-605~~] 20A-3a-605(1)(b), the provisions
544 of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

545 (14) (a) As used in this Subsection (14), "board" means:

546 (i) a local district board; or

547 (ii) the administrative control board of a special service district that has elected
548 members on the board.

549 (b) A board may hold elections for membership on the board at a regular general
550 election instead of a municipal general election if the board submits an application to the
551 lieutenant governor that:

552 (i) requests permission to hold elections for membership on the board at a regular
553 general election instead of a municipal general election; and

554 (ii) indicates that holding elections at the time of the regular general election is
555 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
556 material reason.

(c) Upon receipt of an application described in Subsection (14)(b), the lieutenant governor may approve the application if the lieutenant governor concludes that holding the elections at the regular general election is beneficial based on the criteria described in Subsection (14)(b)(ii).

(d) If the lieutenant governor approves a board's application described in this section:

(i) all future elections for membership on the board shall be held at the time of the regular general election; and

(ii) the board may not hold elections at the time of a municipal general election unless the board receives permission from the lieutenant governor to hold all future elections for membership on the board at a municipal general election instead of a regular general election, under the same procedure, and by applying the same criteria, described in this Subsection (14).

Section 6. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on ~~[paper ballots or ballot sheets]~~ ballots and tabulates the results.

(3) (a) "Ballot" means the storage medium, ~~[whether]~~ including a paper, mechanical, or electronic storage medium, ~~[upon which a voter records the voter's votes]~~ that records an individual voter's vote.

~~[(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.]~~

(b) "Ballot" does not include a record to tally multiple votes.

~~[(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:]~~

~~[(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and]~~

~~[(b) are used in conjunction with ballot sheets that do not display that information.]~~

~~[(5)]~~ (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

- 588 (b) a constitutional amendment;
589 (c) an initiative;
590 (d) a referendum;
591 (e) a bond proposition;
592 (f) a judicial retention question;
593 (g) an incorporation of a city or town; or
594 (h) any other ballot question specifically authorized by the Legislature.

595 ~~[(6) "Ballot sheet":]~~

596 ~~[(a) means a ballot that:]~~

597 ~~[(i) consists of paper or a card where the voter's votes are marked or recorded; and]~~

598 ~~[(ii) can be counted using automatic tabulating equipment; and]~~

599 ~~[(b) includes punch card ballots and other ballots that are machine-countable.]~~

600 ~~[(7)]~~ (5) "Bind," "binding," or "bound" means securing more than one piece of paper
601 together ~~[with a staple or stitch]~~ using staples or another means in at least three places across
602 the top of the paper in the blank space reserved for securing the paper.

603 ~~[(8)]~~ (6) "Board of canvassers" means the entities established by Sections 20A-4-301
604 and 20A-4-306 to canvass election returns.

605 ~~[(9)]~~ (7) "Bond election" means an election held for the purpose of approving or
606 rejecting the proposed issuance of bonds by a government entity.

607 ~~[(10) "Book voter registration form" means voter registration forms contained in a~~
608 ~~bound book that are used by election officers and registration agents to register persons to~~
609 ~~vote:.]~~

610 ~~[(11)]~~ (8) "Business reply mail envelope" means an envelope that may be mailed free
611 of charge by the sender.

612 ~~[(12) "By-mail voter registration form" means a voter registration form designed to be~~
613 ~~completed by the voter and mailed to the election officer:.]~~

614 ~~[(13)]~~ (9) "Canvass" means the review of election returns and the official declaration of
615 election results by the board of canvassers.

616 ~~[(14)]~~ (10) "Canvassing judge" means a poll worker designated to assist in counting
617 ballots at the canvass.

618 ~~[(15)]~~ (11) "Contracting election officer" means an election officer who enters into a

619 contract or interlocal agreement with a provider election officer.

620 ~~[(16)]~~ (12) "Convention" means the political party convention at which party officers
621 and delegates are selected.

622 ~~[(17)]~~ (13) "Counting center" means one or more locations selected by the election
623 officer in charge of the election for the automatic counting of ballots.

624 ~~[(18)]~~ (14) "Counting judge" means a poll worker designated to count the ballots
625 during election day.

626 ~~[(19)]~~ (15) "Counting room" means a suitable and convenient private place or room[;
627 ~~immediately adjoining the place where the election is being held;~~] for use by the poll workers
628 and counting judges to count ballots ~~[during election day]~~.

629 ~~[(20)]~~ (16) "County officers" means those county officers that are required by law to be
630 elected.

631 ~~[(21)]~~ (17) "Date of the election" or "election day" or "day of the election":

632 (a) means the day that is specified in the calendar year as the day that the election
633 occurs; and

634 (b) does not include:

635 (i) deadlines established for ~~[absentee]~~ voting by mail, military-overseas voting, or
636 emergency voting; or

637 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
638 Voting.

639 ~~[(22)]~~ (18) "Elected official" means:

640 (a) a person elected to an office under Section 20A-1-303 or ~~[Chapter 14, Part 6,~~
641 ~~Election Offenses - Generally]~~ Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
642 Project;

643 (b) a person who is considered to be elected to a municipal office in accordance with
644 Subsection 20A-1-206(1)(c)(ii); or

645 (c) a person who is considered to be elected to a local district office in accordance with
646 Subsection 20A-1-206(3)(c)(ii).

647 ~~[(23)]~~ (19) "Election" means a regular general election, a municipal general election, a
648 statewide special election, a local special election, a regular primary election, a municipal
649 primary election, and a local district election.

650 ~~[(24)]~~ (20) "Election Assistance Commission" means the commission established by
651 the Help America Vote Act of 2002, Pub. L. No. 107-252.

652 ~~[(25)]~~ (21) "Election cycle" means the period beginning on the first day persons are
653 eligible to file declarations of candidacy and ending when the canvass is completed.

654 ~~[(26)]~~ (22) "Election judge" means a poll worker that is assigned to:

- 655 (a) preside over other poll workers at a polling place;
- 656 (b) act as the presiding election judge; or
- 657 (c) serve as a canvassing judge, counting judge, or receiving judge.

658 ~~[(27)]~~ (23) "Election officer" means:

- 659 (a) the lieutenant governor, for all statewide ballots and elections;
- 660 (b) the county clerk for:
 - 661 (i) a county ballot and election; and
 - 662 (ii) a ballot and election as a provider election officer as provided in Section
- 663 20A-5-400.1 or 20A-5-400.5;

664 (c) the municipal clerk for:

- 665 (i) a municipal ballot and election; and
- 666 (ii) a ballot and election as a provider election officer as provided in Section
- 667 20A-5-400.1 or 20A-5-400.5;

668 (d) the local district clerk or chief executive officer for:

- 669 (i) a local district ballot and election; and
- 670 (ii) a ballot and election as a provider election officer as provided in Section
- 671 20A-5-400.1 or 20A-5-400.5; or

672 (e) the business administrator or superintendent of a school district for:

- 673 (i) a school district ballot and election; and
- 674 (ii) a ballot and election as a provider election officer as provided in Section
- 675 20A-5-400.1 or 20A-5-400.5.

676 ~~[(28)]~~ (24) "Election official" means any election officer, election judge, or poll
677 worker.

678 ~~[(29)]~~ (25) "Election results" means:

- 679 (a) for an election other than a bond election, the count of votes cast in the election and
- 680 the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

~~[(30)]~~ (26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ~~[absentee]~~ ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

~~[(31)]~~ ~~"Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.]~~

~~[(32)]~~ (27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~[(33)]~~ ~~(a) "Electronic voting device" means a voting device that uses electronic ballots.]~~

~~[(b)]~~ ~~"Electronic voting device" includes a direct recording electronic voting device.]~~

~~[(34)]~~ (28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

~~[(35)]~~ (29) "Judicial office" means the office filled by any judicial officer.

~~[(36)]~~ (30) "Judicial officer" means any justice or judge of a court of record or any county court judge.

~~[(37)]~~ (31) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

~~[(38)]~~ (32) "Local district officers" means those local district board members that are required by law to be elected.

~~[(39)]~~ (33) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

~~[(40)]~~ (34) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

~~[(41)]~~ (35) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(36) "Manual ballot" means a paper document produced by an election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

(37) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

(a) is created via electronic or mechanical means; and

(b) records an individual voter's vote cast via a method other than an individual directly placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

~~[(42)]~~ (38) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or

(c) the chair of a metro township form of government defined in Section 10-3b-102.

~~[(43)]~~ (39) "Municipal general election" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

~~[(44)]~~ (40) "Municipal legislative body" means:

(a) the council of the city or town in any form of municipal government; or

(b) the council of a metro township.

~~[(45)]~~ (41) "Municipal office" means an elective office in a municipality.

~~[(46)]~~ (42) "Municipal officers" means those municipal officers that are required by law to be elected.

~~[(47)]~~ (43) "Municipal primary election" means an election held to nominate candidates for municipal office.

~~[(48)]~~ (44) "Municipality" means a city, town, or metro township.

~~[(49)]~~ (45) "Official ballot" means the ballots distributed by the election officer ~~[to the poll workers to be given to]~~ for voters to record their votes.

~~[(50)]~~ (46) "Official endorsement" means ~~[(a)]~~ the information on the ballot that identifies:

~~[(i)]~~ (a) the ballot as an official ballot;

~~[(ii)]~~ (b) the date of the election; and

743 ~~[(iii)-(A)]~~ (c)(i) for a ballot prepared by an election officer other than a county clerk,
744 the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

745 ~~[(B)]~~ (ii) for a ballot prepared by a county clerk, the words required by Subsection
746 20A-6-301(1)(b)(iii)~~[-and]~~.

747 ~~[(b) the information on the ballot stub that identifies:]~~

748 ~~[(i) the poll worker's initials; and]~~

749 ~~[(ii) the ballot number:]~~

750 ~~[(51)]~~ (47) "Official register" means the official record furnished to election officials
751 by the election officer that contains the information required by Section 20A-5-401.

752 ~~[(52) "Paper ballot" means a paper that contains:]~~

753 ~~[(a) the names of offices and candidates and statements of ballot propositions to be~~
754 ~~voted on; and]~~

755 ~~[(b) spaces for the voter to record the voter's vote for each office and for or against~~
756 ~~each ballot proposition:]~~

757 ~~[(53)]~~ (48) "Political party" means an organization of registered voters that has
758 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
759 Formation and Procedures.

760 ~~[(54)]~~ (49) (a) "Poll worker" means a person assigned by an election official to assist
761 with an election, voting, or counting votes.

762 (b) "Poll worker" includes election judges.

763 (c) "Poll worker" does not include a watcher.

764 ~~[(55)]~~ (50) "Pollbook" means a record of the names of voters in the order that they
765 appear to cast votes.

766 ~~[(56)]~~ (51) "Polling place" means ~~[the]~~ a building where voting is conducted.

767 ~~[(57)]~~ (52) "Position" means a square, circle, rectangle, or other geometric shape on a
768 ballot in which the voter marks the voter's choice.

769 ~~[(58)]~~ (53) "Presidential Primary Election" means the election established in Chapter 9,
770 Part 8, Presidential Primary Election.

771 ~~[(59)]~~ (54) "Primary convention" means the political party conventions held during the
772 year of the regular general election.

773 ~~[(60)]~~ (55) "Protective counter" means a separate counter, which cannot be reset, that:

774 (a) is built into a voting machine; and

775 (b) records the total number of movements of the operating lever.

776 ~~[(61)]~~ (56) "Provider election officer" means an election officer who enters into a
777 contract or interlocal agreement with a contracting election officer to conduct an election for
778 the contracting election officer's local political subdivision in accordance with Section
779 20A-5-400.1.

780 ~~[(62)]~~ (57) "Provisional ballot" means a ballot voted provisionally by a person:

781 (a) whose name is not listed on the official register at the polling place;

782 (b) whose legal right to vote is challenged as provided in this title; or

783 (c) whose identity was not sufficiently established by a poll worker.

784 ~~[(63)]~~ (58) "Provisional ballot envelope" means an envelope printed in the form
785 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
786 information to verify a person's legal right to vote.

787 ~~[(64)]~~ (59) "Qualify" or "qualified" means to take the oath of office and begin
788 performing the duties of the position for which the ~~[person]~~ individual was elected.

789 ~~[(65)]~~ (60) "Receiving judge" means the poll worker that checks the voter's name in the
790 official register~~;~~ at a polling location and provides the voter with a ballot~~[-and removes the~~
791 ~~ballot stub from the ballot after the voter has voted]~~.

792 ~~[(66)]~~ (61) "Registration form" means a ~~[book voter registration form and a by-mail~~
793 ~~voter registration]~~ form by which an individual may register to vote under this title.

794 ~~[(67)]~~ (62) "Regular ballot" means a ballot that is not a provisional ballot.

795 ~~[(68)]~~ (63) "Regular general election" means the election held throughout the state on
796 the first Tuesday after the first Monday in November of each even-numbered year for the
797 purposes established in Section 20A-1-201.

798 ~~[(69)]~~ (64) "Regular primary election" means the election, held on the date specified in
799 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
800 local school board positions to advance to the regular general election.

801 ~~[(70)]~~ (65) "Resident" means a person who resides within a specific voting precinct in
802 Utah.

803 (66) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
804 provided to a voter with a manual ballot:

805 (a) into which the voter places the manual ballot after the voter has voted the manual
806 ballot in order to preserve the secrecy of the voter's vote; and

807 (b) that includes the voter affidavit and a place for the voter's signature.

808 ~~[(71)]~~ (67) "Sample ballot" means a mock ballot similar in form to the official ballot
809 printed and distributed as provided in Section 20A-5-405.

810 ~~[(72)]~~ (68) "Scratch vote" means to mark ~~[or punch]~~ the straight party ticket and then
811 mark ~~[or punch]~~ the ballot for one or more candidates who are members of different political
812 parties or who are unaffiliated.

813 ~~[(73)]~~ "Secrecy envelope" means the envelope given to a voter along with the ballot into
814 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
815 the voter's vote.]

816 ~~[(74)]~~ (69) "Special election" means an election held as authorized by Section
817 20A-1-203.

818 ~~[(75)]~~ (70) "Spoiled ballot" means each ballot that:

819 (a) is spoiled by the voter;

820 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

821 (c) lacks the official endorsement.

822 ~~[(76)]~~ (71) "Statewide special election" means a special election called by the governor
823 or the Legislature in which all registered voters in Utah may vote.

824 ~~[(77)]~~ "Stub" means the detachable part of each ballot.]

825 ~~[(78)]~~ "Substitute ballots" means replacement ballots provided by an election officer to
826 the poll workers when the official ballots are lost or stolen.]

827 (72) "Tabulation system" means a device or system designed for the sole purpose of
828 tabulating votes cast by voters at an election.

829 ~~[(79)]~~ (73) "Ticket" means a list of:

830 (a) political parties;

831 (b) candidates for an office; or

832 (c) ballot propositions.

833 ~~[(80)]~~ (74) "Transfer case" means the sealed box used to transport voted ballots to the
834 counting center.

835 ~~[(81)]~~ (75) "Vacancy" means the absence of a person to serve in any position created

by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

~~[(82)]~~ (76) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

(i) a currently valid Utah driver license;

(ii) a currently valid identification card that is issued by:

(A) the state; or

(B) a branch, department, or agency of the United States;

(iii) a currently valid Utah permit to carry a concealed weapon;

(iv) a currently valid United States passport; or

(v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection ~~[(82)]~~ (76)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid social security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

- 867 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
868 (xii) a currently valid identification card issued by:
869 (A) a local government within the state;
870 (B) an employer for an employee; or
871 (C) a college, university, technical school, or professional school located within the
872 state; or
873 (xiii) a current Utah vehicle registration.

874 ~~[(83)]~~ (77) "Valid write-in candidate" means a candidate who has qualified as a
875 write-in candidate by following the procedures and requirements of this title.

876 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

877 (a) mailing the ballot to the location designated in the mailing; or

878 (b) depositing the ballot in a ballot drop box designated by the election officer.

879 ~~[(84)]~~ (79) "Voter" means ~~[a person]~~ an individual who:

880 (a) meets the requirements for voting in an election;

881 (b) meets the requirements of election registration;

882 (c) is registered to vote; and

883 (d) is listed in the official register book.

884 ~~[(85)]~~ (80) "Voter registration deadline" means the registration deadline provided in
885 Section 20A-2-102.5.

886 ~~[(86)]~~ (81) "Voting area" means the area within six feet of the voting booths, voting
887 machines, and ballot box.

888 ~~[(87)]~~ (82) "Voting booth" means:

889 (a) the space or compartment within a polling place that is provided for the preparation
890 of ballots, including the voting ~~[machine]~~ enclosure or curtain; or

891 (b) a voting device that is free standing.

892 ~~[(88) "Voting device" means:]~~

893 ~~[(a) an apparatus in which ballot sheets are used in connection with a punch device for
894 piercing the ballots by the voter;]~~

895 ~~[(b) a device for marking the ballots with ink or another substance;]~~

896 ~~[(c) an electronic voting device or other device used to make selections and cast a
897 ballot electronically, or any component thereof;]~~

898 ~~[(d) an automated voting system under Section 20A-5-302; or]~~

899 ~~[(e) any other method for recording votes on ballots so that the ballot may be tabulated~~
 900 ~~by means of automatic tabulating equipment.]~~

901 ~~[(89) "Voting machine" means a machine designed for the sole purpose of recording~~
 902 ~~and tabulating votes cast by voters at an election.]~~

903 (83) "Voting device" means any device provided by an election officer for a voter to
 904 vote a mechanical ballot.

905 ~~[(90)]~~ (84) "Voting precinct" means the smallest geographical voting unit, established
 906 [as provided by law within which qualified voters vote at one polling place] under Chapter 5,
 907 Part 3, Duties of the County and Municipal Legislative Bodies.

908 ~~[(91)]~~ (85) "Watcher" means an individual who complies with the requirements
 909 described in Section [20A-3-201] 20A-3a-801 to become a watcher for an election.

910 ~~[(92)]~~ (86) "Write-in ballot" means a ballot containing any write-in votes.

911 ~~[(93)]~~ (87) "Write-in vote" means a vote cast for [a person] an individual, whose name
 912 is not printed on the ballot [according to], in accordance with the procedures established in this
 913 title.

914 Section 7. Section **20A-1-308** is amended to read:

915 **20A-1-308. Elections during declared emergencies.**

916 (1) As used in this section, "declared emergency" means a state of emergency that:

917 (a) is declared by:

918 (i) the president of the United States;

919 (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster
 920 Response and Recovery Act; or

921 (iii) the chief executive officer of a political subdivision in a proclamation under Title
 922 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and

923 (b) affects an election in the state, including:

924 (i) voting on election day;

925 (ii) early voting;

926 (iii) the transmittal or voting of ~~[an absentee ballot or military-overseas]~~ a ballot;

927 (iv) the counting of ~~[an absentee ballot or military-overseas]~~ a ballot; or

928 (v) the canvassing of election returns.

(2) During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.

(3) The lieutenant governor shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:

(a) posting a notice on the Statewide Electronic Voter Information Website established under Section 20A-7-801;

(b) notifying each election officer affected by the designation; and

(c) notifying a newspaper of general circulation within the state or a local media correspondent.

Section 8. Section **20A-1-403** is amended to read:

20A-1-403. Errors or omissions in ballots.

(1) The election officer shall, without delay, correct any errors in ~~[paper]~~ ballots ~~[or ballot labels that he]~~ that the election officer discovers, or that are brought to ~~[his]~~ the election officer's attention, if those errors can be corrected without interfering with the timely distribution of the ~~[paper]~~ ballots ~~[or ballot labels]~~.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or ~~[his]~~ the candidate's agent may file, without paying any fee, a petition for ballot correction with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or ~~[his]~~ the candidate's agent identifying the error or omission; and

(ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial

compliance with the provisions of this title by the parties to the controversy; and

(iii) ~~[make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments]~~ enter appropriate orders.

(b) The court may assess costs, including [a] reasonable ~~[attorney's fee]~~ attorney fees, against either party.

Section 9. Section **20A-1-601** is amended to read:

20A-1-601. Bribery in elections -- Paying for votes -- Penalties.

(1) A person may not, directly ~~[or]~~, indirectly, ~~[by himself]~~ or through any other person:

(a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:

(i) to induce the voter to vote or refrain from voting at any election provided by law;

(ii) to induce any voter to vote or refrain from voting at an election for any particular person or measure;

(iii) to induce a voter to go to the polls or remain away from the polls at any election;

(iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or

(v) to obtain the political support or aid of any person at an election;

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or

(iii) obtain the political support or aid of any person;

(c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or

(d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.

(2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Section 10. Section **20A-1-602** is amended to read:

20A-1-602. Receiving bribe -- Receiving payments for votes -- Penalties.

(1) A person may not, for ~~himself~~ the person or for any other person, directly or indirectly, ~~by himself~~ or through any person, before, during, or after any election:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for:

(i) voting or agreeing to vote;

(ii) going or agreeing to go to the polls;

(iii) remaining or agreeing to remain away from the polls; or

(iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or measure at any election provided by law; or

(b) receive any money or other valuable thing because the person induced any other person to:

(i) vote or refrain from voting; or

(ii) vote or refrain from voting for any particular person or measure at any election provided by law.

(2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Section 11. Section **20A-1-603** is amended to read:

20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

(1) (a) ~~A person~~ An individual may not fraudulently vote on the individual's behalf ~~of himself~~ or on behalf of another, by:

(i) voting more than once at any one election;

(ii) knowingly handing in two or more ballots folded together;

(iii) changing any ballot after ~~it has been~~ the ballot is cast or deposited in the ballot box, or ballot drop box, or mailed;

(iv) adding or attempting to add any ballot or vote to those legally polled at any

election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;

(v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or

(vi) voting in a voting district or precinct when the ~~[person]~~ individual knew or should have known that the ~~[person]~~ individual was not eligible for voter registration in that district or precinct, unless the ~~[person]~~ individual is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.

(b) A person may not fraudulently interfere with an election by:

(i) willfully tampering with, detaining, mutilating, or destroying any election returns;

(ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;

(iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;

(v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; ~~[or]~~

(vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the contents of a ballot drop box; or

~~[(vi)]~~ (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts ~~[specified]~~ described in this section.

(2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a person who commits an offense under Subsection (1) is guilty of a class A misdemeanor.

Section 12. Section **20A-1-604** is amended to read:

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia -- Penalties.

- 1053 (1) A person may not:
- 1054 (a) willfully deface or destroy any list of candidates posted in accordance with the
- 1055 provisions of this title;
- 1056 (b) willfully deface, tear down, remove or destroy any [~~card of instruction~~] voter
- 1057 instructions or sample ballot, printed or posted for the instruction of voters during an election;
- 1058 (c) willfully remove or destroy any of the supplies or conveniences furnished to enable
- 1059 a voter to prepare the voter's ballot during an election; or
- 1060 (d) willfully hinder the voting of others.
- 1061 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), a
- 1062 person who commits an offense under Subsection (1) is guilty of an infraction.
- 1063 Section 13. Section **20A-1-605** is amended to read:
- 1064 **20A-1-605. Mutilating certificate of nomination -- Forging declination or**
- 1065 **resignation -- Tampering with ballots.**
- 1066 (1) It is unlawful for any person to:
- 1067 (a) falsely mark or willfully deface or destroy:
- 1068 (i) any certificate of nomination or any part of a certificate of nomination; or
- 1069 (ii) any letter of declination or resignation;
- 1070 (b) file any certificate of nomination or letter of declination or resignation knowing it,
- 1071 or any part of it, to be falsely made;
- 1072 (c) suppress any certificate of nomination, or letter of declination or resignation, or any
- 1073 part of a certificate of nomination or letter of declination or resignation that has been legally
- 1074 filed;
- 1075 (d) forge any letter of declination or resignation;
- 1076 (e) falsely make the official endorsement on any ballot;
- 1077 (f) willfully destroy or deface any ballot;
- 1078 (g) willfully delay the delivery of any ballots;
- 1079 (h) examine any ballot offered or cast at the polls or found in any ballot box or ballot
- 1080 drop box for any purpose other than to determine which candidate was elected; and
- 1081 (i) make or place any mark or device on any ballot in order to determine the name of
- 1082 any person for whom the elector has voted.
- 1083 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3), any

1084 person convicted of any of the offenses established by this section is guilty of a class A
1085 misdemeanor.

1086 Section 14. Section **20A-1-607** is amended to read:

1087 **20A-1-607. Inducing attendance at polls -- Payment of workers.**

1088 (1) (a) It is unlawful for a person to pay another for a loss incurred because an
1089 individual voted or registered to vote.

1090 (b) Subsection (1)(a) does not permit an employer to make a deduction from the usual
1091 salary or wages of an employee who takes a leave of absence as authorized under Section
1092 ~~[20A-3-103]~~ 20A-3a-105 for the purpose of voting.

1093 (2) (a) A person may not pay for personal services performed or to be performed on the
1094 day of a caucus, primary, convention, or election, or for any purpose connected with a caucus,
1095 primary, convention, or election that directly or indirectly affect the result of the caucus,
1096 primary, convention, or election.

1097 (b) Subsection (2)(a) does not prohibit a person from hiring a person to act as a
1098 watcher.

1099 Section 15. Section **20A-1-609** is amended to read:

1100 **20A-1-609. Omnibus penalties.**

1101 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of
1102 this title is guilty of a class B misdemeanor.

1103 (b) Subsection (1)(a) does not apply to a provision of this title for which another
1104 penalty is expressly stated.

1105 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or
1106 referendum, falsely making the statement described in Subsection 20A-7-203(2)(e)(ii),
1107 20A-7-303(2)(h)(ii), 20A-7-503(2)(e), or 20A-7-603(2)(h).

1108 (2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, an individual
1109 convicted of any offense under this title may not:

1110 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate
1111 for any office during the election cycle in which the violation occurred;

1112 (b) take or hold the office to which the individual was elected; and

1113 (c) receive the emoluments of the office to which the individual was elected.

1114 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote

1115 at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or
1116 20A-2-101.5.

1117 (b) Any person may challenge the right to vote of a person described in Subsection
1118 (3)(a) by following the procedures and requirements of Section ~~[20A-3-202]~~ 20A-3a-803.

1119 Section 16. Section **20A-2-102.5** is amended to read:

1120 **20A-2-102.5. Voter registration deadline.**

1121 (1) Except as otherwise provided in ~~[Section 20A-2-201, 20A-2-204, 20A-2-206,~~
1122 ~~20A-2-207, or 20A-4-107, or]~~ Chapter 16, Uniform Military and Overseas Voters Act, [~~a~~
1123 ~~person]~~ an individual who fails to timely submit a correctly completed voter registration form
1124 ~~[on or before the voter registration deadline]~~ may not vote in the election.

1125 (2) The voter registration deadline is ~~[30 calendar days before the date of the election.]~~
1126 as follows:

1127 (a) the voter registration must be received by the county clerk no later than 5 p.m. 11
1128 calendar days before the date of the election, if the individual registers to vote:

1129 (i) at the office of the county clerk, in accordance with Section 20A-2-201;

1130 (ii) by mail, in accordance with Section 20A-2-202;

1131 (iii) via an application for a driver license, in accordance with Section 20A-2-204;

1132 (iv) via a public assistance agency or a discretionary voter registration agency, in
1133 accordance with Section 20A-2-205; or

1134 (v) via electronic registration, in accordance with Section 20A-2-206;

1135 (b) before the polls close on the last day of early voting, described in Section
1136 20A-3a-601, if the individual registers by casting a provisional ballot at an early voting
1137 location in accordance with Section 20A-2-207; or

1138 (c) before polls close on the date of the election, if the individual registers to vote on
1139 the date of the election by casting a provisional ballot, in accordance with Section 20A-2-207.

1140 Section 17. Section **20A-2-108** is amended to read:

1141 **20A-2-108. Driver license or state identification card registration form --**
1142 **Transmittal of information.**

1143 (1) As used in this section, "qualifying form" means:

1144 (a) a driver license application form; or

1145 (b) a state identification card application form.

(2) The lieutenant governor and the Driver License Division shall design each qualifying form to include:

(a) the following question, which an applicant is required to answer: "Do you authorize the use of information in this form for voter registration purposes? YES ____ NO ____"; and

~~[(b) the following question, which an applicant is required to answer if the applicant answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an absentee voter to receive ballots by mail. A voter may change this designation at any time. Would you like to be registered as an absentee voter to receive your ballots by mail? YES ____ NO ____"; and]~~

~~[(c)]~~ (b) the following statement: "You may request that your voter registration record be classified as a private record by indicating here: ____ Yes, I would like to request that my voter registration record be classified as a private record."

(3) The lieutenant governor and the Driver License Division shall ensure that a qualifying form contains:

(a) a place for an individual to affirm the individual's citizenship, voting eligibility, and Utah residency, and that the information provided in the form is true;

(b) a records disclosure that is similar to the records disclosure on a voter registration form described in Section 20A-2-104;

(c) a statement that if an applicant declines to register or preregister to vote, the fact that the applicant has declined to register or preregister will remain confidential and will be used only for voter registration purposes;

(d) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space where an individual may, if desired:

(i) indicate the individual's desired political affiliation from a listing of each registered political party, as defined in Section 20A-8-101;

(ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the individual desires to affiliate; or

(iii) indicate that the individual does not wish to affiliate with a political party.

Section 18. Section **20A-2-201** is amended to read:

20A-2-201. Registering to vote at office of county clerk.

(1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.

(2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk ~~[during designated office hours, during the period beginning on the date after the voter registration deadline and ending on the date that is 15]~~ no later than 5 p.m. 11 calendar days before the date of the election, the county clerk shall:

(a) accept ~~[the form if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the county]~~ and process the voter registration form; [and]

~~[(b) inform the individual that the individual will be registered to vote in the pending election;]~~

(b) unless the individual named in the form is preregistering to vote:

(i) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form ~~[on the date of the election or during the 14 calendar days before an election]~~ after the deadline described in Subsection (2), the county clerk shall ~~[:-(a)]~~ accept the registration form~~[:]~~ and inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

~~[(b)-(i) if the individual submits the registration form seven or more calendar days~~

1208 ~~before the date of an election, inform the individual that:]~~
 1209 ~~[(A) the individual is registered to vote in the pending election; and]~~
 1210 ~~[(B) for the pending election, the individual must vote on the day of the election or by~~
 1211 ~~provisional ballot, under Section 20A-2-207, during the early voting period described in~~
 1212 ~~Section 20A-3-601, because the individual registered late; or]~~
 1213 ~~[(ii) if the individual submits the registration form on the date of an election or during~~
 1214 ~~the six calendar days before an election, inform the individual:]~~
 1215 ~~[(A) of each manner still available to the individual to timely register to vote in the~~
 1216 ~~current election; and]~~
 1217 ~~[(B) that, if the individual does not timely register in a manner described in Subsection~~
 1218 ~~(3)(b)(ii)(A), the individual will be registered to vote but may not vote in the pending election~~
 1219 ~~because the individual registered late.]~~
 1220 Section 19. Section **20A-2-202** is amended to read:
 1221 **20A-2-202. Registration by mail.**
 1222 (1) (a) ~~[A citizen]~~ An individual who will be qualified to vote at the next election may
 1223 register by mail.
 1224 (b) To register by mail, ~~[a citizen]~~ an individual shall complete and sign the ~~[by-mail]~~
 1225 registration form and mail or deliver ~~[it]~~ the form to the county clerk of the county in which the
 1226 citizen resides.
 1227 (c) In order to register to vote in a particular election, the citizen shall:
 1228 (i) address the ~~[by-mail]~~ voter registration form to the county clerk; and
 1229 (ii) ensure that the ~~[by-mail]~~ voter registration form is ~~[postmarked on or before the~~
 1230 ~~voter registration deadline or is otherwise marked by the post office as received by the post~~
 1231 ~~office on or before the voter registration deadline]~~ received by the county clerk no later than 5
 1232 p.m. 11 calendar days before the date of the election.
 1233 (d) The citizen has effectively registered to vote under this section only when the
 1234 county clerk's office has received a correctly completed ~~[by-mail]~~ voter registration form.
 1235 (2) Upon receipt of a timely, correctly completed ~~[by-mail]~~ voter registration form, the
 1236 county clerk shall~~[, unless the individual named in the form is preregistering to vote]:~~
 1237 (a) accept and process the voter registration form;
 1238 ~~[(a)]~~ (b) unless the individual named in the form is preregistering to vote;

1239 (i) enter the applicant's name on the list of registered voters for the voting precinct in
1240 which the applicant resides; and

1241 ~~[(b) mail confirmation of registration to the newly registered voter after entering the~~
1242 ~~applicant's voting precinct number on that copy.]~~

1243 (ii) notify the individual that the individual is registered to vote in the upcoming
1244 election; and

1245 (c) if the individual named in the form is preregistering to vote, comply with Section
1246 20A-2-101.1.

1247 (3) If the county clerk receives a correctly completed ~~[by-mail]~~ voter registration form
1248 ~~[that is postmarked after the voter registration deadline, and is not otherwise marked by the~~
1249 ~~post office as received by the post office before the voter registration deadline]~~ after the
1250 deadline described in Subsection (1)(c), the county clerk shall, unless the individual is
1251 preregistering to vote:

1252 ~~[(a) if the individual named in the form is preregistering to vote, comply with Section~~
1253 ~~20A-2-101.1; or]~~

1254 ~~[(b) (i) unless the individual timely registers to vote in the current election in a manner~~
1255 ~~that permits registration after the voter registration deadline, register the individual after the~~
1256 ~~next election; and]~~

1257 (a) accept the application for registration; and

1258 ~~[(ii)]~~ (b) if possible, promptly mail a notice to, or otherwise notify, the individual
1259 before the election, informing the individual[:] that the individual will not be registered to vote
1260 in the pending election, unless the individual registers to vote by provisional ballot during the
1261 early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

1262 ~~[(A) of each manner still available to the individual to timely register to vote in the~~
1263 ~~current election; and]~~

1264 ~~[(B) that, if the individual does not timely register in a manner described in Subsection~~
1265 ~~(3)(b)(ii)(A), the individual's registration will not be effective until after the election.]~~

1266 ~~[(4) When the county clerk receives a correctly completed by-mail voter registration~~
1267 ~~form before 5 p.m. no later than seven days before an election that is postmarked on or before~~
1268 ~~the date of the voter registration deadline, or is otherwise marked by the post office as received~~
1269 ~~by the post office on or before the voter registration deadline, the county clerk shall:]~~

1270 ~~[(a) process the by-mail voter registration form; and]~~

1271 ~~[(b) record the new voter in the official register.]~~

1272 ~~[(5)]~~ (4) If the county clerk determines that a registration form received by mail or
1273 otherwise is incorrect because of an error or because [it] the registration form is incomplete, the
1274 county clerk shall mail notice to the [person] individual attempting to register or preregister,
1275 stating that the [person] individual has not been registered or preregistered because of an error
1276 or because the registration form is incomplete.

1277 Section 20. Section **20A-2-204** is amended to read:

1278 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

1279 (1) As used in this section, "voter registration form" means, when an individual named
1280 on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described
1281 in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for
1282 voter registration purposes.

1283 (2) A citizen who is qualified to vote may register to vote, and a citizen who is
1284 qualified to preregister to vote may preregister to vote, by answering "yes" to the question
1285 described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

1286 (3) The Driver License Division shall:

1287 (a) assist an individual in completing the voter registration form unless the individual
1288 refuses assistance;

1289 (b) electronically transmit each address change to the lieutenant governor within five
1290 days after the day on which the division receives the address change; and

1291 (c) within five days after the day on which the division receives a voter registration
1292 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
1293 following for the individual named on the form:

1294 (i) the name, date of birth, driver license or state identification card number, last four
1295 digits of the social security number, Utah residential address, place of birth, and signature;

1296 (ii) a mailing address, if different from the individual's Utah residential address;

1297 (iii) an email address and phone number, if available;

1298 (iv) the desired political affiliation, if indicated; and

1299 (v) an indication of whether the individual requested that the individual's voter
1300 registration record be classified as a private record under Subsection 20A-2-108(2)[(c)](b).

1301 (4) Upon receipt of an individual's voter registration form from the Driver License
1302 Division under Subsection (3), the lieutenant governor shall:

1303 (a) enter the information into the statewide voter registration database; and
1304 (b) if the individual requests on the individual's voter registration form that the
1305 individual's voter registration record be classified as a private record, classify the individual's
1306 voter registration record as a private record.

1307 (5) The county clerk of an individual whose information is entered into the statewide
1308 voter registration database under Subsection (4) shall:

1309 (a) ensure that the individual meets the qualifications to be registered or preregistered
1310 to vote; and

1311 (b) (i) if the individual meets the qualifications to be registered to vote:
1312 (A) ensure that the individual is assigned to the proper voting precinct; and
1313 (B) send the individual the notice described in Section 20A-2-304; or
1314 (ii) if the individual meets the qualifications to be preregistered to vote, process the
1315 form in accordance with the requirements of Section 20A-2-101.1.

1316 (6) (a) When the county clerk receives a correctly completed voter registration form
1317 under this section, the clerk shall:

1318 (i) comply with the applicable provisions of this Subsection (6); or
1319 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

1320 (b) If the county clerk receives a correctly completed voter registration form under this
1321 section ~~[during the period beginning on the date after the voter registration deadline and ending~~
1322 ~~at 5 p.m. on the date that is 15]~~ no later than 5 p.m. or, if submitting the form electronically,
1323 midnight, 11 calendar days before the date of an election, the county clerk shall:

1324 (i) accept the voter registration form; and
1325 (ii) unless the individual is preregistering to vote~~[- inform the individual that the~~
1326 ~~individual is registered to vote in the pending election.];~~

1327 (A) enter the individual's name on the list of registered voters for the voting precinct in
1328 which the individual resides; and

1329 (B) notify the individual that the individual is registered to vote in the upcoming
1330 election; and

1331 (iii) if the individual named in the form is preregistering to vote, comply with Section

1332 20A-2-101.1.

1333 ~~[(c) If the county clerk receives a correctly completed voter registration form under this~~
1334 ~~section during the period beginning on the date that is 14 calendar days before the election and~~
1335 ~~ending at 5 p.m. on the date that is seven calendar days before the election, the county clerk~~
1336 ~~shall:]~~

1337 ~~[(i) accept the voter registration form; and]~~

1338 ~~[(ii) unless the individual is preregistering to vote, inform the individual that:]~~

1339 ~~[(A) the individual is registered to vote in the pending election; and]~~

1340 ~~[(B) for the pending election, the individual must vote on the day of the election or by~~
1341 ~~provisional ballot, under Section 20A-2-207, during the early voting period described in~~
1342 ~~Section 20A-3-601 because the individual registered late.]~~

1343 ~~[(d)]~~ (c) If the county clerk receives a correctly completed voter registration form under
1344 this section ~~[during the six calendar days before an election]~~ after the deadline described in
1345 Subsection (6)(b), the county clerk shall, unless the individual named in the form is
1346 preregistering to vote:

1347 (i) accept the application for registration of the individual;

1348 (ii) process the voter registration form; and

1349 ~~[(ii)]~~ (iii) unless the individual is preregistering to vote, inform the individual[:] that
1350 the individual will not be registered to vote in the pending election, unless the individual
1351 registers to vote by provisional ballot during the early voting period, if applicable, or on
1352 election day, in accordance with Section 20A-2-207.

1353 ~~[(A) of each manner still available to the individual to timely register to vote in the~~
1354 ~~current election; and]~~

1355 ~~[(B) that, if the individual does not timely register in a manner described in Subsection~~
1356 ~~(6)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election~~
1357 ~~because the individual registered late.]~~

1358 (7) (a) If the county clerk determines that an individual's voter registration form
1359 received from the Driver License Division is incorrect because of an error, because the form is
1360 incomplete, or because the individual does not meet the qualifications to be registered to vote,
1361 the county clerk shall mail notice to the individual stating that the individual has not been
1362 registered or preregistered because of an error, because the registration form is incomplete, or

because the individual does not meet the qualifications to be registered to vote.

(b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Section 21. Section **20A-2-205** is amended to read:

20A-2-205. Registration at voter registration agencies.

(1) As used in this section:

(a) "Discretionary voter registration agency" means the same as that term is defined in Section 20A-2-300.5.

(b) "Public assistance agency" means ~~[each office in Utah that provides: (i) public assistance; or (ii) state funded programs primarily engaged in providing services to people with disabilities]~~ the same as that term is defined in Section 20A-2-300.5.

(2) An individual may obtain and complete a ~~[by-mail]~~ registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes____ No____
IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE
DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you
would like help in filling out the voter registration form, we will help you. The decision about
whether to seek or accept help is yours. You may fill out the application form in private. If
you believe that someone has interfered with your right to register or preregister or to decline to
register or preregister to vote, your right to privacy in deciding whether to register or
preregister, or in applying to register or preregister to vote, or your right to choose your own
political party or other political preference, you may file a complaint with the Office of the
Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number

1394 of the Office of the Lieutenant Governor)."

1395 (4) Unless ~~[a person]~~ an individual applying for service or assistance from a public
 1396 assistance agency or discretionary voter registration agency declines, in writing, to register or
 1397 preregister to vote, each public assistance agency and discretionary voter registration agency
 1398 shall:

1399 (a) distribute a ~~[by-mail]~~ voter registration form with each application for service or
 1400 assistance provided by the agency or office;

1401 (b) assist applicants in completing the voter registration form unless the applicant
 1402 refuses assistance;

1403 (c) accept completed forms for transmittal to the appropriate election official; and

1404 (d) transmit a copy of each voter registration form to the appropriate election official
 1405 within five days after ~~[it is received by the division]~~ the division receives the voter registration
 1406 form.

1407 (5) ~~[A person]~~ An individual in a public assistance agency or a discretionary voter
 1408 registration agency that helps ~~[a person]~~ an applicant complete the voter registration form may
 1409 not:

1410 (a) seek to influence an applicant's political preference or party registration;

1411 (b) display any political preference or party allegiance;

1412 (c) make any statement to an applicant or take any action that has the purpose or effect
 1413 of discouraging the applicant from registering to vote; or

1414 (d) make any statement to an applicant or take any action that has the purpose or effect
 1415 of leading the applicant to believe that a decision of whether to register or preregister has any
 1416 bearing upon the availability of services or benefits.

1417 (6) ~~[Upon receipt of a correctly completed voter registration form]~~ If the county clerk
 1418 receives a correctly completed voter registration form under this section no later than 5 p.m. 11
 1419 calendar days before the date of an election, the county clerk shall[;]:

1420 (a) accept and process the voter registration form;

1421 (b) unless the individual named in the form is preregistering to vote:

1422 ~~[(a)]~~ (i) enter the applicant's name on the list of registered voters for the voting precinct
 1423 in which the applicant resides; and

1424 ~~[(b)]~~ (ii) notify the applicant [of registration.] that the applicant is registered to vote in

1425 the upcoming election; and

1426 (c) if the individual named in the form is preregistering to vote, comply with Section
1427 20A-2-101.1

1428 (7) If the county clerk receives a correctly completed voter registration form [~~that is~~
1429 ~~dated after the voter registration deadline~~] after the deadline described in Subsection (6), the
1430 county clerk shall:

1431 (a) accept the application for registration of the individual; and

1432 (b) if possible, promptly inform the individual that the individual will not be registered
1433 to vote in the pending election, unless the individual registers to vote by provisional ballot
1434 during the early voting period, if applicable, or on election day, in accordance with Section
1435 20A-2-207.

1436 [(a) if the individual named in the form is preregistering to vote, comply with Section
1437 20A-2-101.1; or]

1438 [(b) (i) unless the individual timely registers to vote in the current election in a manner
1439 that permits registration after the voter registration deadline, register the individual after the
1440 next election; and]

1441 [(ii) if possible, promptly phone or mail a notice to the individual before the election,
1442 informing the individual;]

1443 [(A) of each manner still available to the individual to timely register to vote in the
1444 current election; and]

1445 [(B) that, if the individual does not timely register in a manner described in Subsection
1446 (7)(b)(ii)(A), the individual's registration will not be effective until after the election;]

1447 [(8) When the county clerk receives a correctly completed voter registration form
1448 before 5 p.m. at least seven days before an election that is dated on or before the voter
1449 registration deadline, the county clerk shall:]

1450 [(a) process the voter registration form; and]

1451 [(b) record the new voter in the official register;]

1452 [(9)] (8) If the county clerk determines that a voter registration form received from a
1453 public assistance agency or discretionary voter registration agency is incorrect because of an
1454 error or because [it] the voter registration form is incomplete, the county clerk shall mail notice
1455 to the individual attempting to register or preregister to vote, stating that the individual has not

1456 been registered or preregistered to vote because of an error or because the voter registration
1457 form is incomplete.

1458 Section 22. Section **20A-2-206** is amended to read:

1459 **20A-2-206. Electronic registration.**

1460 (1) The lieutenant governor ~~[may]~~ shall create and maintain an electronic system that is
1461 publicly available on the Internet for an individual to apply for voter registration or
1462 preregistration ~~[and for an individual to request an absentee ballot]~~.

1463 (2) An electronic system for voter registration or preregistration shall require:

1464 (a) that an applicant have a valid driver license or identification card, issued under Title
1465 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place
1466 of residence;

1467 (b) that the applicant provide the information required by Section 20A-2-104, except
1468 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)
1469 and (4);

1470 (c) that the applicant attest to the truth of the information provided; and

1471 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the
1472 applicant's:

1473 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,
1474 Uniform Driver License Act, for voter registration purposes; or

1475 (ii) signature on file in the lieutenant governor's statewide voter registration database
1476 developed under Section 20A-2-109.

1477 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for
1478 voter registration or preregistration created under this section is not required to complete a
1479 printed registration form.

1480 (4) A system created and maintained under this section shall provide the notices
1481 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

1482 (5) The lieutenant governor shall:

1483 (a) obtain a digital copy of the applicant's driver license or identification card signature
1484 from the Driver License Division; or

1485 (b) ensure that the applicant's signature is already on file in the lieutenant governor's
1486 statewide voter registration database developed under Section 20A-2-109.

(6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:

(a) receiving all information from an applicant; and

(b) (i) receiving all information from the Driver License Division; or

(ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-109.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) If an individual applies to register under this section ~~[during the period beginning on the date after the voter registration deadline and ending on the date that is 15]~~ no later than 11 calendar days before the date of an election, the county clerk shall~~[- unless the individual is preregistering to vote]:~~

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote;

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

~~[(a) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and]~~

~~[(b) inform the individual that the individual is registered to vote in the pending election.]~~

(9) If an individual applies to register under this section ~~[during the period beginning on the date that is 14 calendar days before the election and ending on the date that is seven calendar days before the election]~~ after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

(a) accept the application for registration ~~[if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state]; and~~

(b) if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

~~[(b) inform the individual that:]~~

~~[(i) the individual is registered to vote in the pending election; and]~~

~~[(ii) for the pending election, the individual must vote on the day of the election or by provisional ballot, under Section 20A-2-207, during the early voting period described in Section 20A-3-601 because the individual registered late:]~~

~~[(10) If an individual applies to register under this section during the six calendar days before an election, the county clerk shall:]~~

~~[(a) if the individual is preregistering to vote, comply with Section 20A-2-101.1; or]~~

~~[(b) (i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and]~~

~~[(ii) unless the individual timely registers to vote in the current election in a manner that permits registration after the voter registration deadline, inform the individual:]~~

~~[(A) of each manner still available to the individual to timely register to vote in the current election; and]~~

~~[(B) that, if the individual does not timely register in a manner described in Subsection (10)(b)(ii)(A), the individual is registered to vote but may not vote in the pending election because the individual registered late:]~~

~~[(11) (a) A registered voter may file an application for an absentee ballot in accordance with Section 20A-3-304 on the electronic system for voter registration established under this section.]~~

~~[(b)]~~ (10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form as provided in Section 20A-3-304.

Section 23. Section **20A-2-207** is amended to read:

20A-2-207. Registration by provisional ballot.

(1) An individual who is not registered to vote may register to vote, and vote, on election day or during the early voting period described in Section ~~[20A-3-601]~~ 20A-3a-601, by voting a provisional ballot, if:

1549 (a) the individual is otherwise legally entitled to vote the ballot;
1550 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
1551 (c) the information on the provisional ballot form is complete; and
1552 (d) the individual provides valid voter identification and proof of residence to the poll
1553 worker.

1554 (2) If a provisional ballot and the individual who voted the ballot comply with the
1555 requirements described in Subsection (1), the election officer shall:

1556 (a) consider the provisional ballot a voter registration form;
1557 (b) place the ballot with the ~~[absentee]~~ other ballots, to be counted with those ballots at
1558 the canvass; and

1559 (c) as soon as reasonably possible, register the individual to vote.

1560 (3) Except as provided in Subsection (4), the election officer shall retain a provisional
1561 ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer
1562 determines that the individual who voted the ballot:

1563 (a) is not registered to vote and is not eligible for registration under this section; or

1564 (b) is not legally entitled to vote the ballot that the individual voted.

1565 (4) Subsection (3) does not apply if a court orders the election officer to produce or
1566 count the provisional ballot.

1567 (5) The lieutenant governor shall report to the Government Operations Interim
1568 Committee on or before ~~[October 31, 2018, and on or before]~~ October 31, 2020, regarding:

1569 (a) implementation of registration by provisional ballot, as described in this section, on
1570 a statewide basis;

1571 (b) any difficulties resulting from the implementation described in Subsection (5)(a);

1572 (c) the effect of registration by provisional ballot on voter participation in Utah;

1573 (d) the number of ballots cast by voters who registered by provisional ballot:

1574 (i) during the early voting period described in Section ~~[20A-3-601]~~ 20A-3a-601; and

1575 (ii) on election day; and

1576 (e) suggested changes in the law relating to registration by provisional ballot.

1577 Section 24. Section **20A-2-300.5** is amended to read:

1578 **20A-2-300.5. Definitions.**

1579 As used in this part:

(1) "Discretionary voter registration agency" means each office designated by the county clerk to provide ~~[by-mail]~~ voter registration forms to the public.

(2) "Public assistance agency" means each office in Utah that provides:

(a) public assistance; and

(b) state funded programs primarily engaged in providing services to people with disabilities.

Section 25. Section **20A-2-301** is amended to read:

20A-2-301. County clerk responsibilities -- Voter registration forms.

(1) Each county clerk shall provide ~~[book voter registration forms and by-mail]~~ voter registration forms for use in the voter registration process.

(2) (a) Each county clerk shall~~[(i) designate certain offices within the county to provide by-mail voter registration forms to the public; and (ii) provide by-mail voter registration forms]~~ provide a copy of the voter registration form to each public assistance agency and discretionary voter registration agency.

(b) Each county clerk may provide ~~[copies of by-mail voter registration forms]~~ a copy of the voter registration form to public school districts and nonpublic schools as provided in Section 20A-2-302.

~~[(3) Each regular general election year, the county clerk shall provide by-mail voter registration forms to the political parties in a quantity requested by the political parties, as needed.]~~

~~[(4) Candidates, parties, organizations, and interested persons may purchase by-mail voter registration forms from the county clerk or from the printer.]~~

~~[(5)]~~ (3) (a) The clerk shall make ~~[book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.]~~ a copy of the voter registration form available to any person upon request.

(b) A person may make multiple copies of the voter registration form at the person's own expense.

~~[(b) Interested organizations that receive book voter registration forms from the county clerk shall return the forms]~~

(c) A person shall provide all completed voter registration forms in the person's possession to the county clerk at or before 5 p.m. on the day of the voter registration deadline.

1611 ~~[(6)]~~ (4) The county clerk may not refuse to register ~~[any person]~~ an individual to vote
1612 for failing to provide a telephone number on the voter registration form.

1613 ~~[(7)]~~ (5) (a) It is unlawful for any person in possession of a completed voter registration
1614 form, other than the person's own completed voter registration form, to willfully fail or refuse
1615 to timely deliver the completed voter registration ~~[forms, obtained as provided in this section,]~~
1616 form to the county clerk.

1617 (b) A person who violates this Subsection ~~[(7)]~~ (5) is guilty of a class B misdemeanor.

1618 Section 26. Section **20A-2-302** is amended to read:

1619 **20A-2-302. Voter registration forms for high school students.**

1620 (1) (a) A county clerk may:

1621 (i) contact each high school and each accredited nonpublic high school in the county;

1622 (ii) determine the number of high school seniors; and

1623 (iii) distribute ~~[by-mail]~~ voter registration forms to each accredited public or private
1624 high school in an amount sufficient for distribution to each high school senior.

1625 (b) The county clerk shall process a voter registration form received from an individual
1626 under this section in accordance with Section 20A-2-101.1.

1627 (2) Each public school and accredited nonpublic school may:

1628 (a) include the ~~[by-mail]~~ voter registration form in the senior registration packet; and

1629 (b) collect and forward completed ~~[by-mail]~~ voter registration forms to the county
1630 clerk.

1631 Section 27. Section **20A-2-304** is amended to read:

1632 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

1633 Each county clerk shall:

1634 (1) register to vote each individual who meets the requirements for registration and
1635 who:

1636 (a) submits a completed voter registration form to the county clerk;

1637 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
1638 the Driver License Division;

1639 (c) submits a completed voter registration form to a public assistance agency or a
1640 discretionary voter registration agency; or

1641 (d) mails a completed ~~[by-mail]~~ voter registration form to the county clerk; and

(2) within 30 days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:

(a) (i) informs the individual that the individual's voter registration form has been accepted and that the individual is registered to vote;

(ii) informs the individual of the procedure for designating or changing the individual's political affiliation; and

(iii) informs the individual of the procedure to cancel a voter registration;

(b) informs the individual that the individual's voter registration form has been rejected and the reason for the rejection; or

(c) (i) informs the individual that the individual's voter registration form is being returned to the individual for further action because the form is incomplete; and

(ii) gives instructions to the individual on how to properly complete the form.

Section 28. Section **20A-2-307** is amended to read:

20A-2-307. County clerks' instructions to election judges.

(1) Each county clerk shall instruct election judges to allow a voter to vote a regular ballot if:

(a) the voter has moved from one address within a voting precinct to another address within the same voting precinct; and

(b) the voter affirms the change of address orally or in writing before the election judges.

(2) Each county clerk shall instruct election judges to allow an individual to vote a provisional ballot if:

(a) the individual is not registered to vote, but is otherwise legally entitled to vote under Section 20A-2-207;

(b) the voter's name does not appear on the official register; or

(c) the voter is challenged as provided in Section ~~[20A-3-202]~~ 20A-3a-803.

Section 29. Section **20A-3a-101** is enacted to read:

CHAPTER 3a. VOTING

Part 1. General Voting Provisions

20A-3a-101. Title.

This chapter is known as "Voting."

Section 30. Section **20A-3a-102**, which is renumbered from Section 20A-3-101 is renumbered and amended to read:

[20A-3-101]. 20A-3a-102. Residency and age requirements of voters.

(1) An individual may vote in any regular general election or statewide special election if that individual has registered to vote in accordance with Chapter 2, Voter Registration.

(2) An individual may vote in the presidential primary election or a regular primary election if:

(a) that individual has registered to vote in accordance with Chapter 2, Voter Registration; and

(b) that individual's political party affiliation, or unaffiliated status, allows the person to vote in the election.

(3) An individual may vote in a municipal general election, municipal primary election, local special election, local district election, and bond election if that individual:

(a) has registered to vote in accordance with Chapter 2, Voter Registration; and

(b) is a resident of a voting district or precinct within the local entity that is holding the election.

Section 31. Section **20A-3a-103**, which is renumbered from Section 20A-3-101.5 is renumbered and amended to read:

[20A-3-101.5]. 20A-3a-103. Age requirements for primary elections -- 17-year-olds may vote.

An individual who is 17 years of age may vote in a regular primary election, a municipal primary election, or a presidential primary election, if:

(1) the individual will be 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or presidential primary election;

(2) the individual is registered to vote in accordance with Chapter 2, Voter Registration;

(3) the individual's political party affiliation, or unaffiliated status, allows the individual to vote in the election; and

(4) the individual otherwise complies with the requirements to vote in the primary election.

Section 32. Section **20A-3a-104**, which is renumbered from Section 20A-3-102 is renumbered and amended to read:

[20A-3-102]. 20A-3a-104. Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each local district election, and at each bond election shall be by secret ballot.

Section 33. Section **20A-3a-105**, which is renumbered from Section 20A-3-103 is renumbered and amended to read:

[20A-3-103]. 20A-3a-105. Employee's right to time off for election.

(1) (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.

(b) The voter shall apply for a leave of absence before election day.

(c) (i) The employer may specify the hours during which the employee may be absent.

(ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.

(d) The employer may not deduct from an employee's usual salary or wages because of the absence.

(2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.

(3) Any employer who violates this section is guilty of a class B misdemeanor.

Section 34. Section **20A-3a-201** is enacted to read:

Part 2. Voting Procedures

20A-3a-201. Voting methods.

(1) The primary method of voting is voting by mail using a manual ballot.

(2) Except for an election conducted entirely by mail under Section 20A-7-609.5, a voter may also vote as follows:

(a) at a polling location during early voting hours;

(b) at a polling location on election day when the polls are open;

(c) if the voter is an individual with a disability, by voting remotely, via a mechanical ballot or via electronic means if approved by the election officer;

(d) electronically or via a federal write-in absentee ballot if the voter is a covered voter,

1735 as defined in Section 20A-16-102; or

1736 (e) by emergency ballot, in accordance with Part 3, Emergency Ballots.

1737 (3) A voter may not vote at a polling place if the voter voted by mail or in a manner
1738 described in Subsections (2)(c) through (e).

1739 Section 35. Section **20A-3a-202**, which is renumbered from Section 20A-3-302 is
1740 renumbered and amended to read:

1741 **[20A-3-302]. 20A-3a-202. Conducting election by mail.**

1742 (1) ~~[(a) Notwithstanding Section 17B-1-306, an]~~ Except as otherwise provided for an
1743 election conducted entirely by mail under Section 20A-7-609.5, an election officer [may] shall
1744 administer an election [by absentee ballot under] primarily by mail, in accordance with this
1745 section.

1746 ~~[(b) An election officer who administers an election by absentee ballot, except for an~~
1747 ~~election conducted under Section 20A-7-609.5, shall, before the following dates, notify the~~
1748 ~~lieutenant governor that the election will be administered by absentee ballot:]~~

1749 ~~[(i) February 1 of an even-numbered year if the election is a regular general election;~~
1750 ~~or]~~

1751 ~~[(ii) May 1 of an odd-numbered year if the election is a municipal general election.]~~

1752 (2) An election officer who administers an election ~~[by absentee ballot]:~~

1753 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
1754 and no later than seven days before election day, mail to each active voter within a voting
1755 precinct:

1756 (i) ~~[an absentee]~~ a manual ballot;

1757 (ii) a return envelope;

1758 ~~[(ii) for an election administered by a county clerk, information regarding the location~~
1759 ~~and hours of operation of any election day voting center at which the voter may vote;]~~

1760 ~~[(iii) a courtesy reply mail envelope;]~~

1761 ~~[(iv)]~~ (iii) instructions for returning the ballot that include an express notice about any
1762 relevant deadlines that the voter must meet in order for the voter's vote to be counted; [and]

1763 (iv) for an election administered by a county clerk, information regarding the location
1764 and hours of operation of any election day voting center at which the voter may vote or a
1765 website address where the voter may view this information; and

(v) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling location or an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the ~~[absentee]~~ ballot, the voter will be unable to vote in that election because there will be no polling place ~~in~~ for the voting precinct on the day of the election; and

(b) may not mail ~~[an absentee]~~ a ballot under this section to:

(i) an inactive voter, unless the inactive voter requests a manual ballot; or

(ii) a voter whom the election officer is prohibited from sending ~~[an absentee]~~ a ballot under Subsection ~~[(8)]~~ (10)(c)(ii).

~~[(3) A voter who votes by absentee ballot under this section is not required to apply for an absentee ballot as required by this part.]~~

(3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to the address:

(i) provided at the time of registration; or

(ii) if, at or after the time of registration, the voter files an alternate address request form described in Subsection (3)(b), the alternate address indicated on the form.

(b) The lieutenant governor shall make available to voters an alternate address request form that permits a voter to request that the election officer mail the voter's ballot to a location other than the voter's residence.

(c) A voter shall provide the completed alternate address request form to the election officer no later than 11 days before the day on which the election officer mails ballots to voters.

(4) The return envelope shall include:

(a) the name, official title, and post office address of the election officer on the front of the envelope;

(b) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;

(c) a printed affidavit in substantially the following form:

"County of _____ State of _____

I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon

1797 currently incarcerated for commission of a felony.

1798

1799 Signature of Voter"; and

1800 (d) a warning that the affidavit must be signed by the individual to whom the ballot

1801 was sent and that the ballot will not be counted if the signature on the affidavit does not match

1802 the signature on file with the election officer of the individual to whom the ballot was sent.

1803 (5) If the election officer determines that the voter is required to show valid voter

1804 identification, the election officer may:

1805 (a) mail a ballot to the voter; and

1806 (b) instruct the voter to include a copy of the voter's valid voter identification with the

1807 return ballot.

1808 ~~[(4)]~~ (6) An election officer who administers an election ~~[by absentee ballot]~~ shall:

1809 (a) (i) before the election, obtain~~[in person,]~~ the signatures of each voter ~~[within that~~

1810 ~~voting precinct before]~~ qualified to vote in the election; or

1811 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

1812 and

1813 (b) maintain the signatures on file in the election officer's office.

1814 ~~[(5)]~~ (7) Upon receipt of a returned ~~[absentee]~~ ballot, the election officer shall review

1815 and process the ballot under Section ~~[20A-3-308]~~ 20A-3a-401.

1816 ~~[(6)]~~ (8) A county that administers an election ~~[by absentee ballot]~~:

1817 (a) shall provide at least one election day voting center in accordance with Chapter 3,

1818 Part 7, Election Day Voting Center, and at least one additional election day voting center for

1819 every 5,000 active voters in the county who ~~[will not receive an absentee ballot, but not fewer~~

1820 ~~than one election day voting center]~~ have requested to not receive a ballot by mail;

1821 (b) shall ensure that each election day voting center operated by the county has at least

1822 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,

1823 Pub. L. No. 107-252, for individuals with disabilities;

1824 (c) may reduce the early voting period described in Section ~~[20A-6-301]~~ 20A-3a-601,

1825 if:

1826 (i) the county clerk conducts early voting on at least four days;

1827 (ii) the early voting days are within the period beginning on the date that is 14 days

1828 before the date of the election and ending on the day before the election; and

1829 (iii) the county clerk provides notice of the reduced early voting period in accordance

1830 with Section ~~[20A-3-604]~~ 20A-3a-604;

1831 (d) is not required to pay return postage for ~~[an absentee]~~ a ballot; and

1832 (e) is subject to an audit conducted under Subsection ~~[(7)]~~ (9).

1833 ~~[(7)]~~ (9) (a) The lieutenant governor shall:

1834 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in

1835 an election conducted under this section; and

1836 (ii) after each primary, general, or special election conducted under this section, select

1837 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures

1838 developed under Subsection ~~[(7)]~~ (9)(a)(i).

1839 (b) The lieutenant governor shall post the results of an audit conducted under this

1840 Subsection ~~[(7)]~~ (9) on the lieutenant governor's website.

1841 ~~[(8)]~~ (10) (a) An individual ~~[in a jurisdiction that conducts an election by absentee~~

1842 ~~ballot]~~ may request that the election officer not send the individual a ballot by mail in the next

1843 and subsequent elections by submitting a written request to the election officer.

1844 (b) An individual shall submit the request described in Subsection ~~[(8)]~~ (10)(a) to the

1845 election officer before 5 p.m. no later than 60 days before an election if the individual does not

1846 wish to receive ~~[an absentee]~~ a ballot by mail in that election.

1847 (c) An election officer who receives a request from an individual under Subsection

1848 ~~[(8)]~~ (10)(a):

1849 (i) shall remove the individual's name from the list of voters who will receive ~~[an~~

1850 ~~absentee]~~ a ballot by mail; and

1851 (ii) may not send the individual ~~[an absentee]~~ a ballot by mail for:

1852 (A) the next election, if the individual submits the request described in Subsection ~~[(8)]~~

1853 (10)(a) before the deadline described in Subsection ~~[(8)]~~ (10)(b); or

1854 (B) an election after the election described in Subsection ~~[(8)]~~ (10)(c)(ii)(A).

1855 (d) An individual who submits a request under Subsection ~~[(8)]~~ (10)(a) may resume the

1856 individual's receipt of ~~[an absentee ballot in an election conducted under this section by filing~~

1857 ~~an absentee ballot request under Section 20A-3-304]~~ a ballot by mail by submitting a written

1858 request to the election officer.

Section 36. Section **20A-3a-203**, which is renumbered from Section 20A-3-104 is renumbered and amended to read:

~~[20A-3-104].~~ **20A-3a-203. Voting at a polling place.**

(1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling place in an election in accordance with this section.

~~[(1)]~~ (2) (a) ~~[Any registered voter desiring to vote]~~ The voter shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:

(i) indicate on the official register that the voter was not properly identified;

(ii) issue the voter a provisional ballot;

(iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification:

(A) to the county clerk at the county clerk's office; or

(B) to an election officer who is administering the election; and

(iv) follow the procedures and requirements of Section ~~[20A-3-105.5]~~ 20A-3a-205.

(d) If the person's right to vote is challenged as provided in Section ~~[20A-3-202]~~ 20A-3a-803, the poll worker shall follow the procedures and requirements of Section ~~[20A-3-105.5]~~ 20A-3a-205.

~~[(2) (a) The poll worker in charge of the official register shall check the official register to determine whether or not a person is registered to vote.]~~

~~[(b) If the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.]~~

~~[(3) If the poll worker determines that the voter is registered and:]~~

~~[(a) if the ballot is a paper ballot or a ballot sheet:]~~

~~[(i) the poll worker in charge of the official register shall:]~~

~~[(A) write the ballot number opposite the name of the voter in the official register; and]~~

~~[(B) direct the voter to sign the voter's name in the election column in the official register;]~~

~~[(ii) another poll worker shall list the ballot number and voter's name in the pollbook;~~

1890 and]

1891 [~~(iii) the poll worker having charge of the ballots shall;~~]

1892 [~~(A) endorse the poll worker's initials on the stub;~~]

1893 [~~(B) check the name of the voter on the pollbook list with the number of the stub;~~]

1894 [~~(C) hand the voter a ballot; and~~]

1895 [~~(D) allow the voter to enter the voting booth; or~~]

1896 [~~(b) if the ballot is an electronic ballot;~~]

1897 [~~(i) the poll worker in charge of the official register shall direct the voter to sign the~~

1898 ~~voter's name in the official register;~~]

1899 [~~(ii) another poll worker shall list the voter's name in the pollbook; and~~]

1900 [~~(iii) the poll worker having charge of the ballots shall;~~]

1901 [~~(A) provide the voter access to the electronic ballot; and~~]

1902 [~~(B) allow the voter to vote the electronic ballot.~~]

1903 [~~(4) Whenever the election officer is required to furnish more than one kind of official~~

1904 ~~ballot to the voting precinct, the poll workers of that voting precinct shall give the registered~~

1905 ~~voter the kind of ballot that the voter is qualified to vote.]~~

1906 (3) A poll worker shall check the official register to determine whether:

1907 (a) a voter is registered to vote; and

1908 (b) if the election is a regular primary election or a presidential primary election,

1909 whether a voter's party affiliation designation in the official register allows the voter to vote the

1910 ballot that the voter requests.

1911 (4) (a) Except as provided in Subsection (5), if the voter's name is not found on the

1912 official register, the poll worker shall follow the procedures and requirements of Section

1913 20A-3a-205.

1914 (b) If, in a regular primary election or a presidential primary election, the official

1915 register does not affirmatively identify the voter as being affiliated with a registered political

1916 party or if the official register identifies the voter as being "unaffiliated," the voter shall be

1917 considered to be "unaffiliated."

1918 (5) In a regular primary election or a presidential primary election:

1919 (a) if a voter's name is not found on the official register, and if it is not unduly

1920 disruptive to the election process, the poll worker may attempt to contact the county clerk's

1921 office to request oral verification of the voter's registration;
1922 (b) if oral verification is received from the county clerk's office, the poll worker shall:
1923 (i) record the verification on the official register;
1924 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to
1925 vote; and
1926 (iii) except as provided in Subsection (6), comply with Subsection (3).
1927 (6) (a) Except as provided in Subsection (6)(b), if, in a regular primary election or a
1928 presidential primary election, the voter's political party affiliation listed in the official register
1929 does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform
1930 the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation
1931 does allow the voter to vote.
1932 (b) If, in a regular primary election or a presidential primary election, the voter is listed
1933 in the official register as unaffiliated, or if the official register does not affirmatively identify
1934 the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an
1935 unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker
1936 shall:
1937 (i) ask the voter if the voter wishes to vote another registered political party ballot that
1938 the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and
1939 (ii) (A) if the voter wishes to vote another registered political party ballot that the
1940 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
1941 (3); or
1942 (B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot
1943 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
1944 voter may not vote.
1945 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions
1946 of Subsection (6), if the poll worker determines that the voter is registered, a poll worker shall:
1947 (a) direct the voter to sign the voter's name in the official register;
1948 (b) provide to the voter the ballot that the voter is qualified to vote; and
1949 (c) allow the voter to enter the voting booth.
1950 Section 37. Section **20A-3a-204** is enacted to read:
1951 **20A-3a-204. Marking and depositing ballots.**

1952 (1) To vote by mail:
1953 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual
1954 ballot by marking the appropriate space with a mark opposite the name of each candidate of the
1955 voter's choice for each office to be filled;
1956 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the
1957 appropriate space with a mark opposite the answer the voter intends to make;
1958 (c) except as provided in Subsection (6), the voter shall record a write-in vote in
1959 accordance with Subsection 20A-3a-206(4);
1960 (d) except as provided in Subsection (6), a mark is not required opposite the name of a
1961 write-in candidate; and
1962 (e) the voter shall:
1963 (i) complete and sign the affidavit on the return envelope;
1964 (ii) place the voted ballot in the return envelope;
1965 (iii) securely seal the return envelope; and
1966 (iv) (A) attach postage, if necessary, and deposit the return envelope in the mail; or
1967 (B) place the return envelope in a ballot drop box, designated by the election officer,
1968 for the precinct where the voter resides.
1969 (2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is
1970 mailed must be:
1971 (i) clearly postmarked before election day, or otherwise clearly marked by the post
1972 office as received by the post office before election day; and
1973 (ii) received in the office of the election officer before noon on the day of the official
1974 canvass following the election.
1975 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls
1976 close on election day, be deposited in:
1977 (i) a ballot box at a polling place; or
1978 (ii) a ballot drop box designated by an election officer for the jurisdiction to which the
1979 ballot relates.
1980 (c) An election officer may, but is not required to, forward a ballot deposited in a ballot
1981 drop box in the wrong jurisdiction to the correct jurisdiction.
1982 (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a

1983 ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to
1984 deposit the ballot in the ballot drop box.

1985 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after
1986 complying with Subsections (1)(a) through (d):

1987 (a) sign the official register or pollbook; and

1988 (b) (i) place the ballot in the ballot box; or

1989 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot
1990 envelope, complete the information printed on the provisional ballot envelope, and deposit the
1991 provisional ballot envelope in the provisional ballot box.

1992 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

1993 (b) An individual other than an individual with a disability may vote a mechanical
1994 ballot at a polling place if permitted by the election officer.

1995 (5) To vote a mechanical ballot, the voter shall:

1996 (a) make the selections according to the instructions provided for the voting device;

1997 and

1998 (b) subject to Subsection (6), record a write-in vote by:

1999 (i) selecting the appropriate position for entering a write-in candidate; and

2000 (ii) using the voting device to enter the name of the valid write-in candidate for whom
2001 the voter wishes to vote.

2002 (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6,

2003 Municipal Alternate Voting Methods Pilot Project, a voter:

2004 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's
2005 first preference for the office; and

2006 (b) may indicate, as directed on the ballot, the names of the remaining candidates in
2007 order of the voter's preference.

2008 (7) A voter who votes at a polling place:

2009 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting
2010 area after voting; and

2011 (b) may not:

2012 (i) occupy a voting booth occupied by another, except as provided in Section
2013 20A-3a-208;

2014 (ii) remain within the voting area more than 10 minutes; or
 2015 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
 2016 voters are waiting to occupy a voting booth.

2017 (8) If the official register shows any voter as having voted, that voter may not reenter
 2018 the voting area during that election unless that voter is an election official or watcher.

2019 (9) A poll worker may not, at a polling place, allow more than four voters more than
 2020 the number of voting booths into the voting area at one time unless those excess voters are:

2021 (a) election officials;

2022 (b) watchers; or

2023 (c) assisting voters with a disability.

2024 Section 38. Section **20A-3a-205**, which is renumbered from Section 20A-3-105.5 is
 2025 renumbered and amended to read:

2026 **[20A-3-105.5]. 20A-3a-205. Manner of voting -- Provisional ballot.**

2027 (1) The poll workers shall follow the procedures and requirements of this section
 2028 when:

2029 (a) the ~~[person's]~~ individual's right to vote is challenged as provided in Section
 2030 ~~[20A-3-202 or 20A-3-202.5]~~ 20A-3a-803 or 20A-3a-805;

2031 (b) the ~~[person's]~~ individual's name is not found on the official register; or

2032 (c) the poll worker is not satisfied that the voter has provided valid voter identification.

2033 (2) When faced with one of the circumstances ~~[outlined]~~ described in Subsection (1)(a)
 2034 or (b), the poll worker shall:

2035 (a) request that the ~~[person]~~ individual provide valid voter identification; and

2036 (b) review the identification provided by the ~~[person]~~ individual.

2037 (3) If the poll worker is satisfied that the ~~[person]~~ individual has provided valid voter
 2038 identification that establishes the ~~[person's]~~ individual's identity and residence in the voting
 2039 precinct ~~[or within the county]~~:

2040 (a) the poll worker in charge of the official register shall:

2041 (i) record in the official register the type of identification that established the ~~[person's]~~
 2042 individual's identity and place of residence;

2043 (ii) ~~[write]~~ record the provisional ballot envelope number ~~[opposite]~~ in association with
 2044 the name of the ~~[voter in the official register]~~ individual; and

2045 (iii) direct the ~~[voter]~~ individual to sign ~~[his]~~ the individual's name in the ~~[election~~
2046 ~~column in the]~~ official register or pollbook; and
2047 ~~[(b) another poll worker shall list the ballot number and voter's name in the pollbook;~~
2048 ~~and]~~
2049 ~~[(c)]~~ (b) the poll worker having charge of the ballots shall:
2050 ~~[(i) endorse his initials on the stub;]~~
2051 ~~[(ii) check the name of the voter on the pollbook list with the number of the stub;]~~
2052 ~~[(iii)]~~ (i) give the ~~[voter a ballot and]~~ individual a provisional ballot ~~[envelope]~~; and
2053 ~~[(iv)]~~ (ii) allow the ~~[voter]~~ individual to enter the voting booth.
2054 (4) If the poll worker is not satisfied that the ~~[voter]~~ individual has provided valid voter
2055 identification that establishes the ~~[person's]~~ individual's identity and residence in the voting
2056 precinct ~~[or within the county]~~:
2057 (a) the poll worker in charge of the official register shall:
2058 (i) record in the official register that the voter did not provide valid voter identification;
2059 (ii) record in the official register the type of identification that was provided by the
2060 ~~[voter]~~ individual, if any;
2061 (iii) ~~[write]~~ record the provisional ballot envelope number ~~[opposite]~~ in association
2062 with the name of the ~~[voter in the official register]~~ individual; and
2063 (iv) direct the ~~[voter]~~ individual to sign ~~[his]~~ the individual's name in the ~~[election~~
2064 ~~column in the]~~ official register or pollbook; and
2065 ~~[(b) another poll worker shall list the ballot number and voter's name in the pollbook;~~
2066 ~~and]~~
2067 ~~[(c)]~~ (b) the poll worker having charge of the ballots shall:
2068 ~~[(i) endorse his initials on the stub;]~~
2069 ~~[(ii) check the name of the voter on the pollbook list with the number of the stub;]~~
2070 ~~[(iii)]~~ (i) give the ~~[voter a ballot and]~~ individual a provisional ballot ~~[envelope]~~; and
2071 ~~[(iv)]~~ (ii) allow the ~~[voter]~~ individual to enter the voting booth.
2072 (5) ~~[Whenever]~~ When, at a polling place, the election officer is required to furnish
2073 more than one ~~[kind of official]~~ version of a ballot ~~[to a voting precinct]~~, the poll workers ~~[of~~
2074 ~~that voting precinct]~~ at that polling place shall give the registered voter the ~~[kind of]~~ version of
2075 the ballot that the voter is qualified to vote.

Section 39. Section **20A-3a-206**, which is renumbered from Section 20A-3-106 is renumbered and amended to read:

~~[20A-3-106].~~ 20A-3a-206. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect of unnecessary marking.

(1) When voting a ~~[paper]~~ manual ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:

(a) mark in the ~~[circle or position above]~~ space next to that political party;

(b) mark in the ~~[squares or position]~~ space opposite the names of all candidates for that party ticket; or

(c) make both markings.

~~[(2)-(a) When voting a ballot sheet, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:]~~

~~[(i) mark the selected party on the straight party page or section; or]~~

~~[(ii) mark the name of each candidate from that party.]~~

~~[(b) To vote for candidates from two or more political parties, the voter may:]~~

~~[(i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or]~~

~~[(ii) indicate the voter's choice by:]~~

~~[(A) marking in the circle or position above one political party; and]~~

~~[(B) marking in the squares or positions opposite the names of desired candidates who are members of any party, are unaffiliated, or are listed without party name.]~~

~~[(3)-(a)]~~ (2) When voting ~~[an electronic]~~ a mechanical ballot, any voter desiring to vote for all the candidates who are listed on the ballot as being from any one registered political party may:

(i) select that party on the straight party selection area; or

(ii) select the name of each candidate from that party.

~~[(b) To vote for candidates from two or more political parties, the voter may:]~~

~~[(i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or]~~

~~[(ii) (A) select a political party in the straight party selection area; and]~~

~~[(B) select the names of the candidates for whom the voter wishes to vote who are~~

2107 ~~members of any party, are unaffiliated, or are listed without party name.]~~

2108 ~~[(4)]~~ (3) In any election other than a primary election, if a voter voting a ballot has
2109 selected or placed a mark next to a party name in order to vote a straight party ticket and wishes
2110 to vote for a person on another party ticket for an office, or for an unaffiliated candidate, the
2111 voter shall select or mark the ballot next to the name of the candidate for whom the voter
2112 wishes to vote.

2113 ~~[(5)]~~ (4) (a) The voter may cast a write-in vote on a ~~[paper ballot or ballot sheet]~~
2114 manual ballot by writing the name of a valid write-in candidate in the blank write-in section of
2115 the ballot.

2116 (b) A voter may not cast a write-in vote on a ~~[paper ballot or ballot sheet]~~ manual
2117 ballot by affixing a sticker or label with the name of a write-in candidate in the blank write-in
2118 section of the ballot.

2119 ~~[(6)]~~ (5) The voter may cast a write-in vote on ~~[an electronic]~~ a mechanical ballot by:

2120 (a) marking the appropriate position opposite the area for entering a write-in candidate
2121 for the office sought by the candidate for whom the voter wishes to vote; and

2122 (b) entering the name of a valid write-in candidate in the write-in selection area.

2123 Section 40. Section **20A-3a-207**, which is renumbered from Section 20A-3-107 is
2124 renumbered and amended to read:

2125 ~~[20A-3-107].~~ **20A-3a-207.** No ballots may be taken away -- Spoiled ballots.

2126 ~~[(1) A person may not take or remove any ballot from the polling place before the close~~
2127 ~~of the polls.]~~

2128 ~~[(2)]~~ (1) If any voter spoils a ballot, ~~[he]~~ the voter may successively obtain others, one
2129 at a time, not exceeding three in all, upon returning each spoiled one.

2130 ~~[(3)]~~ (2) If any ballot is spoiled by the printer or a poll worker, the poll worker shall
2131 give the voter a new ballot.

2132 ~~[(4)]~~ (3) The poll worker shall:

2133 (a) immediately write the word "spoiled" across the face of the ballot; and

2134 (b) place the ballot in the envelope for spoiled ballots.

2135 Section 41. Section **20A-3a-208**, which is renumbered from Section 20A-3-108 is
2136 renumbered and amended to read:

2137 ~~[20A-3-108].~~ **20A-3a-208.** Assisting disabled, illiterate, or blind voters.

(1) Any voter who has a disability, or is blind, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by ~~[a person]~~ an individual of the voter's choice.

(2) The ~~[person]~~ individual providing assistance may not be:

- (a) the voter's employer;
- (b) an agent of the employer;
- (c) an officer or agent of the voter's union; or
- (d) a candidate.

(3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.

~~[(4) Each time a voter is assisted, the poll worker shall note that fact in the official register and the pollbook.]~~

Section 42. Section **20A-3a-209**, which is renumbered from Section 20A-3-109 is renumbered and amended to read:

~~**[20A-3-109].**~~ **20A-3a-209. Instructions to voters.**

(1) If any voter, after entering ~~[the]~~ a voting booth, asks for further instructions concerning the manner of voting, two poll workers, each from a different political party, shall instruct the voter.

(2) After instructing the voter, and before the voter ~~[has cast his]~~ casts a vote, the poll worker shall leave the voting booth so that the voter may vote in secret.

(3) A poll worker instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Section 43. Section **20A-3a-301**, which is renumbered from Section 20A-3-306.5 is renumbered and amended to read:

Part 3. Emergency Ballots

~~**[20A-3-306.5].**~~ **20A-3a-301. Emergency ballots.**

(1) As used in this section, "hospitalized voter" means a registered voter who:

(a) is hospitalized or otherwise confined to a medical or long-term care institution

~~[after the deadline for filing an application for an absentee ballot established in Section~~

20A-3-304.];

(b) does not have a manual ballot in the voter's immediate possession;

(c) is able to vote a manual ballot; and

(d) is not able to acquire a manual ballot without the assistance of another individual.

(2) ~~[Notwithstanding any other provision of this part, a]~~ A hospitalized voter may, in accordance with this section, obtain ~~[an absentee ballot and vote]~~ a manual ballot to use as an emergency ballot and vote at any time after the election officer mails manual ballots to the majority of voters and before the close of polls on election day ~~[by following the procedures and requirements of this section].~~

(3) (a) Any individual may obtain an ~~[absentee]~~ emergency ballot application, ~~[an absentee]~~ a manual ballot, and ~~[an absentee]~~ a manual ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office during business hours.

(b) The election officer shall require the individual to sign a statement identifying the individual and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the ~~[absentee]~~ emergency ballot application, complete and sign the ~~[application]~~ affidavit on the ~~[absentee]~~ manual ballot envelope, mark the voter's votes on the ~~[absentee]~~ manual ballot, place the ~~[absentee]~~ manual ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.

(5) To be counted, the ~~[absentee]~~ emergency voter application and the sealed ~~[absentee]~~ manual ballot envelope must be returned to the election officer's office ~~[before the polls close on election day unless a different time is authorized under Section 20A-1-308]~~ in accordance with the requirements of this chapter.

Section 44. Section **20A-3a-401**, which is renumbered from Section 20A-3-308 is renumbered and amended to read:

Part 4. Disposition of Ballots

~~[20A-3-308].~~ **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box -- Disposition -- Notice.**

(1) This section governs ballots returned by mail or via a ballot drop box.

~~[+]~~ (2) (a) ~~[Voting precinct poll]~~ Poll workers shall open return envelopes containing

2200 ~~[absentee] manual~~ ballots that are in ~~[their] the~~ custody of the poll workers ~~[on election day at~~
 2201 ~~the polling places during the time the polls are open as provided in this]~~ in accordance with
 2202 Subsection ~~[(1)]~~ (2)(b).

2203 (b) The poll workers shall ~~[(i) first, open the outer envelope only; and (ii)]~~, first,
 2204 compare the signature of the voter on the ~~[application with]~~ affidavit of the return envelope to
 2205 the signature ~~[on the affidavit]~~ of the voter in the voter registration records.

2206 ~~[(2) (a) The poll workers shall carefully open and remove the absentee voter envelope~~
 2207 ~~so as not to destroy the affidavit on the envelope if they find that:]~~

2208 ~~[(i) the affidavit is sufficient;]~~

2209 ~~[(ii) the signatures correspond; and]~~

2210 ~~[(iii) the applicant is registered to vote in that voting precinct and has not voted in that~~
 2211 ~~election;]~~

2212 ~~[(b) If, after opening the absentee voter envelope, the poll worker finds that a~~
 2213 ~~provisional ballot envelope is enclosed, the poll worker shall:]~~

2214 ~~[(i) record, in the official register, whether:]~~

2215 ~~[(A) the voter included valid voter identification; or]~~

2216 ~~[(B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter~~
 2217 ~~identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;]~~

2218 ~~[(ii) if any type of identification was included, record the type of identification~~
 2219 ~~provided by the voter in the appropriate space in the official register;]~~

2220 ~~[(iii) record the provisional ballot number on the official register; and]~~

2221 ~~[(iv) place the provisional ballot envelope with the other provisional ballot envelopes~~
 2222 ~~to be transmitted to the county clerk;]~~

2223 ~~[(c) If the absentee ballot is not a provisional ballot, the poll workers shall:]~~

2224 ~~[(i) remove the absentee ballot from the envelope without unfolding it or permitting it~~
 2225 ~~to be opened or examined;]~~

2226 ~~[(ii) initial the stub in the same manner as for other ballots;]~~

2227 ~~[(iii) remove the stub from the ballot;]~~

2228 ~~[(iv) deposit the ballot in the ballot box; and]~~

2229 ~~[(v) mark the official register and pollbook to show that the voter has voted;]~~

2230 (3) After complying with Subsection (2), the poll workers shall determine whether:

2231 (a) the signatures correspond;
2232 (b) the affidavit is sufficient;
2233 (c) the voter is registered to vote in the correct precinct;
2234 (d) the voter's right to vote the ballot has been challenged;
2235 (e) the voter has already voted in the election;
2236 (f) the voter is required to provide valid voter identification; and
2237 (g) if the voter is required to provide valid voter identification, whether the voter has
2238 provided valid voter identification.

2239 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
2240 workers determine that:

2241 (i) the signatures correspond;
2242 (ii) the affidavit is sufficient;
2243 (iii) the voter is registered to vote in the correct precinct;
2244 (iv) the voter's right to vote the ballot has not been challenged;
2245 (v) the voter has not already voted in the election; and
2246 (vi) for a voter required to provide valid voter identification, that the voter has
2247 provided valid voter identification.

2248 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
2249 workers shall:

2250 (i) remove the manual ballot from the return envelope in a manner that does not
2251 destroy the affidavit on the return envelope;
2252 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
2253 with the return envelope; and
2254 (iii) place the ballot with the other ballots to be counted.

2255 ~~[(3)]~~ (c) If the poll workers [determine that the affidavit is insufficient, or that the
2256 signatures do not correspond, or that the applicant is not a registered voter in the voting
2257 precinct, they] do not make all of the findings described in Subsection (4)(a), the poll workers
2258 shall:

2259 ~~[(a)]~~ (i) disallow the vote; [and]
2260 ~~[(b)]~~ (ii) without opening the [absentee voter] return envelope, mark across the face of
2261 the return envelope:

2262 ~~[(i)]~~ (A) "Rejected as defective"; or
2263 ~~[(ii)]~~ (B) "Rejected as not a registered voter[-]"; and
2264 ~~[(4) The poll workers shall deposit the absentee voter envelope, when the absentee~~
2265 ~~ballot is voted, and the absentee voter envelope with its contents unopened when the absent~~
2266 ~~vote is rejected, in the ballot box containing the ballots.]~~
2267 (iii) place the return envelope, unopened, with the other rejected return envelopes.
2268 (5) (a) If the ~~[election officer rejects]~~ poll workers reject an individual's ~~[absentee]~~
2269 ballot because the ~~[election officer determines]~~ poll workers determine that the signature on the
2270 ~~[ballot]~~ return envelope does not match the individual's signature ~~[that is maintained on file]~~ in
2271 the voter registration records, the election officer shall contact the individual in accordance
2272 with Subsection (7) by mail, email, text message, or phone, and inform the individual:
2273 (i) that the individual's signature is in question;
2274 (ii) how the individual may resolve the issue;
2275 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
2276 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
2277 requirements described in Subsection (5)(b).
2278 (b) An affidavit described in Subsection (5)(a)(iii) shall include:
2279 (i) an attestation that the individual voted the ~~[absentee]~~ ballot;
2280 (ii) a space for the individual to enter the individual's name, date of birth, and driver
2281 license number or the last four digits of the individual's social security number;
2282 (iii) a space for the individual to sign the affidavit; and
2283 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
2284 governor's and county clerk's use of the individual's signature on the affidavit for voter
2285 identification purposes.
2286 (c) In order for an individual described in Subsection (5)(a) to have the individual's
2287 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
2288 election officer.
2289 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
2290 immediately:
2291 (i) scan the signature on the affidavit electronically and keep the signature on file in the
2292 statewide voter registration database developed under Section 20A-2-109; and

(ii) if the election officer receives the affidavit no later than 5 p.m. the day before the canvass, count the individual's ballot.

(6) ~~[An election officer who rejects]~~ If the poll workers reject an individual's ~~[absentee]~~ ballot for any reason, other than the reason described in Subsection (5)(a), the election officer shall notify the individual of the rejection in accordance with Subsection (7) by mail, email, text message, or phone and specify the reason for the rejection.

(7) An election officer who is required to give notice under Subsection (5) or (6) shall give the notice no later than:

(a) if the election officer rejects the ~~[absentee]~~ ballot before election day:

(i) one business day after the day on which the election officer rejects the ~~[absentee]~~ ballot, if the election officer gives the notice by email or text message; or

(ii) two business days after the day on which the election officer rejects the ~~[absentee]~~ ballot, if the election officer gives the notice by postal mail or phone;

(b) seven days after election day if the election officer rejects the ~~[absentee]~~ ballot on election day; or

(c) seven days after the canvass if the election officer rejects the ~~[absentee]~~ ballot after election day and before the end of the canvass.

(8) An election officer may not count the ~~[absentee]~~ ballot of an individual whom the election officer contacts under Subsection (5) or (6) unless the election officer receives a signed affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's identity.

(9) The election officer shall retain and preserve the ~~[absentee voter]~~ return envelopes in the manner provided by law for the retention and preservation of ~~[official]~~ ballots voted at that election.

Section 45. Section **20A-3a-402**, which is renumbered from Section 20A-3-309 is renumbered and amended to read:

**~~[20A-3-309].~~ 20A-3a-402. Custody of ballots voted at a polling place --
Disposition -- Counting -- Release of number of ballots cast.**

(1) This section governs ballots voted at a polling place.

~~[(+)]~~ (2) (a) The election officer shall deliver all return envelopes containing valid ~~[absentee]~~ ballots and valid provisional ballots that are in the election officer's custody to the

2324 ~~[place of the official canvass of the election by]~~ counting center before noon on the day of the
2325 official canvass following the election.

2326 ~~[(2)-(a)]~~ (b) Valid ~~[absentee]~~ ballots ~~[and]~~, including valid provisional ballots, may be
2327 processed and counted:

2328 (i) by the election officer, or poll workers acting under the supervision of the election
2329 officer, before the date of the canvass; and

2330 (ii) at the canvass, by the election officer or poll workers, acting under the supervision
2331 of the official canvassers of the election.

2332 ~~[(b)]~~ (c) When processing ballots, the election officer and poll workers shall comply
2333 with the procedures and requirements of Section ~~[20A-3-308]~~ 20A-3a-401 in opening
2334 envelopes, verifying signatures, confirming eligibility of the ballots, and depositing ~~[them in a~~
2335 ~~ballot box]~~ ballots in preparation for counting.

2336 (3) (a) After all valid ~~[absentee]~~ ballots ~~[and]~~, including valid provisional ballots have
2337 been deposited, the ballots shall be counted in the usual manner.

2338 (b) After the polls close on the date of the election, the election officer shall publicly
2339 release the results of those ~~[absentee]~~ ballots ~~[and]~~, including provisional ballots, that have
2340 been counted on or before the date of the election.

2341 (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the
2342 date of the election and ending on the day before the date of the canvass, the election officer
2343 shall publicly release the results of all ~~[absentee]~~ ballots ~~[and]~~, including provisional ballots,
2344 counted on that day.

2345 (d) (i) If complying with Subsection (3)(c) on a particular day will likely result in
2346 disclosing a vote cast by an individual voter, the election officer shall request permission from
2347 the lieutenant governor to delay compliance for the minimum number of days necessary to
2348 protect against disclosure of the voter's vote.

2349 (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the
2350 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's
2351 vote.

2352 (e) On the date of the canvass, the election officer shall provide a tally of all ~~[absentee]~~
2353 ballots ~~[and]~~, including provisional ballots, counted, and the resulting tally shall be added to
2354 the official canvass of the election.

(4) (a) On the day after the date of the election, the election officer shall determine the number of [absentee] ballots received by the election officer at that time and shall make that number available to the public.

(b) The election officer may elect to publicly release updated totals for the number of [absentee] ballots received by the election officer up through the date of the canvass.

Section 46. Section **20A-3a-403**, which is renumbered from Section 20A-3-310 is renumbered and amended to read:

[20A-3-310]. 20A-3a-403. Frauds and malfeasance in voting -- Penalty.

(1) (a) It is unlawful for any person to willfully falsify the [absentee] voter affidavits required by this part.

(b) Any person violating this [subsection] Subsection (1) is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

(2) (a) It is unlawful for any election officer to:

(i) refuse or neglect to perform any of the duties required by this part; or

(ii) violate any of the provisions of this part.

(b) Any person who violates this [subsection] Subsection (2) is guilty of a class B misdemeanor.

Section 47. Section **20A-3a-501**, which is renumbered from Section 20A-3-501 is renumbered and amended to read:

Part 5. Voting Offenses

[20A-3-501]. 20A-3a-501. Polling place -- Prohibited activities.

(1) As used in this section:

(a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and

(b) "polling place" means the physical place where ballots [and absentee ballots] are cast and includes [the county clerk's office or city hall during the period in which absentee ballots may be cast there] the physical place where a ballot drop box is located.

(2) (a) [A person] An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:

(i) do any electioneering;

(ii) circulate cards or handbills of any kind;
 (iii) solicit signatures to any kind of petition; or
 (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

(3) (a) ~~[A person]~~ An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest ~~[any person]~~ an individual creating an obstruction.

(4) ~~[A person]~~ An individual may not ~~[(a) remove any ballot from the polling place before the closing of the polls, except as provided in Section 20A-4-101; or (b)]~~ solicit any voter to show ~~[his]~~ the voter's ballot.

(5) ~~[A person]~~ An individual may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that ~~[person]~~ individual is a poll worker.

(6) ~~[Any person]~~ An individual who violates any provision of this section is guilty of a class A misdemeanor.

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Section 48. Section **20A-3a-502** is enacted to read:

20A-3a-502. Intimidation -- Undue influence.

(1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:

(a) using force, violence, or restraint;

(b) inflicting or threatening to inflict injury, damage, harm, or loss; or

(c) by intimidation.

(2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or

2417 otherwise interfere with the free exercise of the elective franchise of any voter, either in voting
2418 at any election provided by law or voting or refraining from voting for a particular individual or
2419 measure at an election provided by law.

2420 (3) It is unlawful for a person to:

2421 (a) enclose in the salary or wage envelopes of an employee of the person, political
2422 mottoes, devices, or arguments containing threats, express or implied, intended or calculated to
2423 influence the political opinion, views, or action of the employee; or

2424 (b) within 90 days before the day of an election provided by law, post or otherwise
2425 exhibit, in a location where the person's employees may be working or may be present in the
2426 course of employment, any handbill, notice, or placard containing any threat, notice, or
2427 information, that if any particular ticket or candidate is or is not elected:

2428 (i) work performed by the person's employees will cease in whole or in part;

2429 (ii) the workplace will close;

2430 (iii) wages of workforce will be reduced; or

2431 (iv) other adverse consequences, under the control of the person, will result.

2432 (4) Violation of this section is a class B misdemeanor.

2433 Section 49. Section **20A-3a-503**, which is renumbered from Section 20A-3-503 is
2434 renumbered and amended to read:

2435 **[20A-3-503]. 20A-3a-503. Influencing employee's vote.**

2436 (1) It is unlawful for any corporation, or any officer or agent of any corporation, to
2437 influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by
2438 inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from
2439 employment or promoting in employment, or by intimidation, or in any manner whatever, any
2440 employee to vote or refrain from voting at any election provided by law, or to vote or refrain
2441 from voting for any particular person or measure at that election.

2442 (2) (a) Any corporation or any officer or agent of that corporation who violates any of
2443 the provisions of this section is guilty of a class B misdemeanor.

2444 (b) Any corporation violating any of the provisions of this section shall forfeit its
2445 charter and right to do business in this state in addition to any other penalties imposed by law.

2446 Section 50. Section **20A-3a-504**, which is renumbered from Section 20A-3-504 is
2447 renumbered and amended to read:

2448 ~~[20A-3-504].~~ **20A-3a-504. Violations -- Penalties.**

2449 (1) Except as ~~[allowed by]~~ provided in Subsection (3) or Section ~~[20A-3-108]~~

2450 20a-3a-208, an individual is guilty of a class C misdemeanor if the individual:

2451 (a) allows the individual's ballot to be seen by another with the intent to reveal how the
2452 individual is about to vote;

2453 (b) states falsely that the individual is unable to mark the individual's ballot;

2454 (c) interferes or attempts to interfere with any individual who is inside the voting booth
2455 or who is marking a ballot;

2456 (d) induces or attempts to induce any voter who is inside a voting booth or who is
2457 marking a ballot to vote to show how the voter marked the voter's ballot; or

2458 (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling
2459 place.

2460 (2) The election judges and clerks shall report any individual who violates this section
2461 to the county attorney or district attorney having state criminal jurisdiction for prosecution.

2462 (3) Subsection (1) does not prohibit an individual from transferring a photograph of the
2463 individual's own ballot in a manner that allows the photograph to be viewed by the individual
2464 or another.

2465 Section 51. Section **20A-3a-505**, which is renumbered from Section 20A-3-505 is
2466 renumbered and amended to read:

2467 ~~[20A-3-505].~~ **20A-3a-505. False impersonation -- Double voting.**

2468 (1) (a) ~~[A person]~~ An individual may not ~~[apply for a ballot]:~~

2469 (i) apply for a ballot in the name of ~~[some other person]~~ another individual, regardless
2470 of whether ~~[it is that of a person]~~ the other individual is living or dead, or ~~[of]~~ is a fictitious
2471 person; ~~[or]~~

2472 (ii) after having voted once at an election, apply again at the same election for a ballot
2473 in the ~~[person's]~~ individual's own name or any other name~~[-]; or~~

2474 (iii) sign the affidavit on a return envelope for another individual.

2475 (b) ~~[Any person]~~ An individual who violates Subsection (1)(a) is guilty of a third
2476 degree felony.

2477 (2) (a) ~~[A person]~~ An individual may not aid, assist, counsel, or procure another
2478 ~~[person]~~ individual to commit the felony ~~[prohibited]~~ described in Subsection (1)(a).

(b) ~~[Any person]~~ An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Section 52. Section **20A-3a-506**, which is renumbered from Section 20A-3-506 is renumbered and amended to read:

~~[20A-3-506].~~ **20A-3a-506. False information on provisional ballot envelope.**

(1) ~~[A person]~~ An individual may not wilfully falsify information on a provisional ballot envelope.

(2) ~~[A person]~~ An individual who violates this section is guilty of a class B misdemeanor.

Section 53. Section **20A-3a-601**, which is renumbered from Section 20A-3-601 is renumbered and amended to read:

Part 6. Early Voting

~~[20A-3-601].~~ **20A-3a-601. Early voting.**

(1) Except as provided in Section 20A-7-609.5:

(a) ~~[An]~~ an individual who is registered to vote may vote at a polling place before the election date in accordance with this section~~[:]; and~~

(b) ~~[An]~~ an individual who is not registered to vote may register to vote and vote at a polling place before the election date in accordance with this section if the individual:

(i) is otherwise legally entitled to vote the ballot; and

(ii) casts a provisional ballot in accordance with Section 20A-2-207.

(2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period ~~[shall]:~~

(a) ~~[begin]~~ begins on the date that is 14 days before the date of the election; and

(b) ~~[continue]~~ continues through the Friday before the election if the election date is a Tuesday.

(3) (a) An election officer may extend the end of the early voting period to the day before the election date if the election officer provides notice of the extension in accordance with Section ~~[20A-3-604]~~ 20A-3a-604.

(b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:

2510 (i) the municipal clerk conducts early voting on at least four days;
2511 (ii) the early voting days are within the period beginning on the date that is 14 days
2512 before the date of the election and ending on the day before the election; and
2513 (iii) the municipal clerk provides notice of the reduced early voting period in
2514 accordance with Section ~~[20A-3-604]~~ 20A-3a-604.

2515 (c) For a county election ~~[that is conducted entirely by mail]~~, the county clerk may
2516 reduce the early voting period described in this section if:
2517 (i) the county clerk conducts early voting on at least four days;
2518 (ii) the early voting days are within the period beginning on the date that is 14 days
2519 before the date of the election and ending on the day before the election; and
2520 (iii) the county clerk provides notice of the reduced early voting period in accordance
2521 with Section ~~[20A-3-604]~~ 20A-3a-604.

2522 (4) Except as provided in Section 20A-1-308, during the early voting period, the
2523 election officer:
2524 (a) for a local special election, a municipal primary election, and a municipal general
2525 election:
2526 (i) shall conduct early voting on a minimum of four days during each week of the early
2527 voting period; and
2528 (ii) shall conduct early voting on the last day of the early voting period; and
2529 (b) for all other elections:
2530 (i) shall conduct early voting on each weekday; and
2531 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

2532 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,
2533 early voting shall be administered ~~[according to]~~ in accordance with the requirements of this
2534 title.

2535 Section 54. Section **20A-3a-602**, which is renumbered from Section 20A-3-602 is
2536 renumbered and amended to read:
2537 **~~[20A-3-602].~~ 20A-3a-602. Hours for early voting.**
2538 (1) Except as provided in Section 20A-1-308, the election officer shall determine the
2539 times for opening and closing the polls for each day of early voting provided that voting is open
2540 for a minimum of four hours during each day that polls are open during the early voting period.

(2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Section 55. Section ~~20A-3a-603~~, which is renumbered from Section 20A-3-603 is renumbered and amended to read:

~~[20A-3-603].~~ **20A-3a-603. Early voting polling places.**

(1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the election officer shall designate one or more polling places for early voting, ~~[provided that]~~ as follows:

(a) at least one polling place ~~[is]~~ shall be open on each day that polls are open during the early voting period;

(b) each polling place ~~[meets]~~ shall comply with the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place ~~[are]~~ shall be accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place ~~[is]~~ shall be located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Section ~~[20A-3-604]~~ 20A-3a-604:

(i) if necessary, change the location of an early voting place; or

(ii) if the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, designate additional polling places during the early voting period.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of an early voting polling place or designates an additional early voting polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and

2572 location of the changed early voting polling place or the additional early voting polling place:

2573 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

2574 (ii) by posting the information on the website of the election officer, if available; and

2575 (iii) by posting notice:

2576 (A) for a change in the location of an early voting polling place, at the new location

2577 and, if possible, the old location; and

2578 (B) for an additional early voting polling place, at the additional early voting polling

2579 place.

2580 (3) Except as provided in Section 20A-1-308, for each regular general election and

2581 regular primary election, counties of the first class shall ensure that the early voting polling

2582 places are approximately proportionately distributed based on population within the county.

2583 Section 56. Section **20A-3a-604**, which is renumbered from Section 20A-3-604 is

2584 renumbered and amended to read:

2585 ~~[20A-3-604].~~ **20A-3a-604. Notice of time and place of early voting.**

2586 (1) Except as provided in Section 20A-1-308 or Subsection ~~[20A-3-603]~~

2587 20A-3a-603(2), the election officer shall, at least 19 days before the date of the election,

2588 publish notice of the dates, times, and locations of early voting:

2589 (a) (i) in one issue of a newspaper of general circulation in the county;

2590 (ii) if there is no newspaper of general circulation in the county, in addition to posting

2591 the notice described in Subsection (1)(b), by posting one notice, and at least one additional

2592 notice per 2,000 population of the county, in places within the county that are most likely to

2593 give notice to the residents in the county; or

2594 (iii) by mailing notice to each registered voter in the county;

2595 (b) by posting the notice at each early voting polling place;

2596 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before

2597 the day of the election;

2598 (d) in accordance with Section 45-1-101, for 19 days before the date of the election;

2599 and

2600 (e) on the county's website for 19 days before the day of the election.

2601 (2) Instead of publishing all dates, times, and locations of early voting under

2602 Subsection (1), the election officer may publish a statement that specifies the following sources

where a voter may view or obtain a copy of all dates, times, and locations of early voting:

(a) the county's website;

(b) the physical address of the county's offices; and

(c) a mailing address and telephone number.

(3) The election officer shall include in the notice described in Subsection (1):

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and

(b) a phone number that a voter may call to obtain information regarding the location of an early voting polling place.

Section 57. Section **20A-3a-605**, which is renumbered from Section 20A-3-605 is renumbered and amended to read:

~~[20A-3-605].~~ **20A-3a-605. Exemptions from early voting.**

(1) (a) This part does not apply to an election of a board member of a local district.

(b) Notwithstanding Subsection (1)(a), a local district may, ~~[at its]~~ in the local district's discretion, provide early voting in accordance with this part for ~~[an]~~ election of a board member.

(2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:

(a) a municipal primary election; or

(b) a municipal general election.

(3) A municipality ~~[that administers an election entirely by absentee ballot, in accordance with Section 20A-3-302,]~~ is not required to conduct early voting for the election.

Section 58. Section **20A-3a-701**, which is renumbered from Section 20A-3-701 is renumbered and amended to read:

Part 7. Election Day Voting Center

~~[20A-3-701].~~ **20A-3a-701. Definitions.**

As used in this part:

(1) "Election day voting center" means a polling place designated by an election officer to provide for voting on election day for ~~a person~~ an individual who:

- (a) is eligible to vote; and
- (b) resides within the political subdivision holding the election.

(2) "Voting center ballot" means a regular ballot that:

- (a) is provided at an election day voting center; and
- (b) may be retrieved by the election official during the canvass if the voter cast a ballot at another location or before election day.

Section 59. Section **20A-3a-702**, which is renumbered from Section 20A-3-702 is renumbered and amended to read:

~~20A-3-702~~. 20A-3a-702. Election day voting center -- Hours of operation -- Compliance with Election Code.

(1) ~~[Am]~~ Except as provided in Section 20A-7-609.5, an election officer may operate an election day voting center in one or more locations designated under Section ~~[20A-3-703]~~ 20A-3a-703.

(2) An election officer shall provide for voting at an election day voting center by:

- (a) regular ballot if:
 - (i) (A) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and
 - (B) the voter is eligible to vote ~~[using]~~ a regular ballot at the election day voting center in accordance with this title; or

- (ii) (A) the voter resides within the political subdivision holding the election;
- (B) the voter is otherwise eligible to vote ~~[using]~~ a regular ballot in accordance with this title; and

(C) the jurisdiction holding the election uses a method that confirms that the voter has not voted previously in the election;

- (b) voting center ballot if:
 - (i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;
 - (ii) the voter resides within the political subdivision holding the election; and
 - (iii) the voter is otherwise eligible to vote ~~[using]~~ a regular ballot in accordance with

2665 this title; or

2666 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
2667 accordance with this title.

2668 (3) An election officer shall ensure that an election day voting center:

2669 (a) is open on election day during the time period specified under Section 20A-1-302;

2670 (b) allows an eligible voter to vote if the voter:

2671 (i) resides within the political subdivision holding an election; and

2672 (ii) arrives at the election day voting center by the designated closing time in

2673 accordance with Section 20A-1-302; and

2674 (c) is administered according to the requirements of this title.

2675 (4) ~~[A person]~~ An individual may submit a completed ~~[absentee]~~ manual ballot at an
2676 election day voting center for the political subdivision in which the ~~[person]~~ individual resides.

2677 ~~[(5) A person may submit an incomplete absentee ballot at an election day voting~~
2678 ~~center for the political subdivision in which the person resides, request that the ballot be~~
2679 ~~declared spoiled, and vote in person.]~~

2680 Section 60. Section **20A-3a-703**, which is renumbered from Section 20A-3-703 is
2681 renumbered and amended to read:

2682 **~~[20A-3-703].~~ 20A-3a-703. Election day voting centers as polling places --**
2683 **Location -- Notification.**

2684 (1) The election officer may designate one or more polling places as an election day
2685 voting center if:

2686 (a) except as provided in Subsection (2), the election officer notifies the lieutenant
2687 governor of the designation and location of the election day voting center at least 15 days
2688 before the election;

2689 (b) ~~[a]~~ the polling place meets the requirements for a polling place under Chapter 5,
2690 Election Administration; and

2691 (c) ~~[a]~~ the polling place is located in a government building or office, unless the
2692 election officer determines that there is no government building or office available, in the area
2693 designated by the election officer, that:

2694 (i) can be scheduled for use during election day voting hours;

2695 (ii) has the physical facilities necessary to accommodate election day voting

2696 requirements;

2697 (iii) has adequate space for voting equipment, poll workers, and voters; and

2698 (iv) has adequate security, public accessibility, and parking.

2699 (2) (a) The election officer may, after the deadline described in Subsection (1)(a):

2700 (i) if necessary, change the location of an election day voting center; or

2701 (ii) if the election officer determines that the number of election day voting centers is

2702 insufficient due to the number of registered voters who are voting, designate additional election

2703 day voting centers.

2704 (b) Except as provided in Section 20A-1-308, if an election officer changes the

2705 location of an election day voting center or designates an additional election day voting center,

2706 the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and

2707 location of the changed election day voting center or the additional election day voting center:

2708 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

2709 Information Website;

2710 (ii) by posting the information on the website of the election officer, if available; and

2711 (iii) by posting notice:

2712 (A) of a change in the location of an election day voting center, at the new location

2713 and, if possible, the old location; and

2714 (B) of an additional election day voting center, at the additional election day voting

2715 center.

2716 Section 61. Section **20A-3a-801**, which is renumbered from Section 20A-3-201 is

2717 renumbered and amended to read:

2718 **Part 8. Watchers**

2719 **~~[20A-3-201].~~ 20A-3a-801. Watchers.**

2720 (1) As used in this section, "administering election officer" means:

2721 (a) the election officer; or

2722 (b) if the election officer is the lieutenant governor, the county clerk of the county in

2723 which an individual will act as a watcher.

2724 (2) (a) Any individual may become a watcher in an election at any time by registering

2725 as a watcher with the administering election officer.

2726 (b) An individual who registers under Subsection (2)(a) is not required to be certified

2727 by a person under Subsection (3) in order to act as a watcher.

2728 (c) An individual who registers as a watcher shall notify the administering election
2729 officer of the dates, times, and locations that the individual intends to act as a watcher.

2730 (d) An election official may not prohibit a watcher from performing a function
2731 described in Subsection (4) because the watcher did not provide the notice described in
2732 Subsection (2)(c).

2733 (e) An administering election officer shall provide a copy of this section, or
2734 instructions on how to access an electronic copy of this section, to a watcher at the time the
2735 watcher registers under this Subsection (2).

2736 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified
2737 write-in candidate for the election, a registered political party, or a political issues committee
2738 may certify an individual as an official watcher for the person:

2739 (i) by filing an affidavit with the administering election officer responsible to designate
2740 an individual as an official watcher for the certifying person; and

2741 (ii) if the individual registers as a watcher under Subsection (2)(a).

2742 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
2743 same function described in Subsection (4) at the same time and in the same location as another
2744 watcher who is certified by that person.

2745 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
2746 another individual to serve in the watcher's stead during the watcher's temporary absence by
2747 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

2748 (4) A watcher may:

2749 (a) observe the setup or takedown of a polling location;

2750 (b) observe a voter checking in at a polling location;

2751 (c) observe the collection, receipt, and processing of a ballot, including a provisional
2752 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;

2753 (d) observe the transport or transmission of a ballot that is in an election official's
2754 custody;

2755 (e) observe the opening and inspection of a ~~[by-mail]~~ manual ballot;

2756 (f) observe ballot duplication;

2757 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;

2758 (h) observe ballot tabulation;
 2759 (i) observe the process of storing and securing a ballot;
 2760 (j) observe a post-election audit;
 2761 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,
 2762 Canvassing Returns;
 2763 (l) observe the certification of the results of an election; or
 2764 (m) observe a recount.
 2765 (5) (a) A watcher may not:
 2766 (i) electronically record an activity described in Subsection (4) if the recording would
 2767 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
 2768 (ii) interfere with an activity described in Subsection (4), except to challenge an
 2769 individual's eligibility to vote under Section ~~[20A-3-202]~~ 20A-3a-803; or
 2770 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
 2771 candidate or ballot proposition until after the election officer makes the information public.
 2772 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.
 2773 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
 2774 environment for an election official or to protect the safety or security of a ballot, an
 2775 administering election officer may take reasonable action to:
 2776 (i) limit the number of watchers at a single location;
 2777 (ii) remove a watcher for violating a provision of this section;
 2778 (iii) remove a watcher for interfering with an activity described in Subsection (4);
 2779 (iv) designate areas for a watcher to reasonably observe the activities described in
 2780 Subsection (4); or
 2781 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
 2782 (b) If an administering election officer limits the number of watchers at a single
 2783 location under Subsection (6)(a)(i), the administering election officer shall give preferential
 2784 access to the location to a watcher designated under Subsection (3).
 2785 (c) An administering election officer may provide a watcher a badge that identifies the
 2786 watcher and require the watcher to wear the badge while acting as a watcher.
 2787 Section 62. Section **20A-3a-802**, which is renumbered from Section 20A-3-201.5 is
 2788 renumbered and amended to read:

~~[20A-3-201.5].~~ **20A-3a-802. Definitions.**

As used in this part:

(1) "Challenged voter" means ~~[a person]~~ an individual whose right to vote is challenged as provided in this part.

(2) "Filer" means ~~[a person]~~ an individual who files a written statement challenging another ~~[person's]~~ individual's right to vote as provided in Section ~~[20A-3-202.3]~~ 20A-3a-804.

Section 63. Section **20A-3a-803**, which is renumbered from Section 20A-3-202 is renumbered and amended to read:

~~[20A-3-202].~~ **20A-3a-803. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

(1) ~~[A person]~~ An individual may challenge ~~[an]~~ another individual's eligibility to vote on any of the following grounds:

(a) the individual is not the individual in whose name the individual tries to vote;

(b) the individual is not a resident of Utah;

(c) the individual is not a citizen of the United States;

(d) the individual has not or will not have resided in Utah for 30 days immediately before the date of the election;

(e) the individual's principal place of residence is not in the voting precinct that the individual claims;

(f) the individual's principal place of residence is not in the geographic boundaries of the election area;

(g) the individual has already voted in the election;

(h) the individual is not at least ~~[18 years of age]~~ the minimum age required to vote in the election;

(i) the individual has been convicted of a misdemeanor for an offense under this title and the individual's right to vote in an election has not been restored under Section 20A-2-101.3;

(j) the individual is a convicted felon and the voter's right to vote in an election has not been restored under Section 20A-2-101.5; or

(k) in a regular primary election or presidential primary election, the individual does not meet the political party affiliation requirements for the ballot the individual seeks to vote.

(2) ~~[A person]~~ An individual who challenges ~~[an]~~ another individual's right to vote in an election shall make the challenge in accordance with:

(a) Section ~~[20A-3-202.3]~~ 20A-3a-804, for a challenge that is not made in person at the time an individual votes; or

(b) Section ~~[20A-3-202.5]~~ 20A-3a-805, for challenges made in person at the time an individual votes.

Section 64. Section **20A-3a-804**, which is renumbered from Section 20A-3-202.3 is renumbered and amended to read:

~~[20A-3-202.3].~~ **20A-3a-804. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.**

(1) (a) ~~[A person]~~ An individual may challenge an individual's eligibility to vote by filing a written statement with the election officer in accordance with Subsection (1)(b) that:

(i) lists the name and address of the ~~[person]~~ individual filing the challenge;

(ii) for each individual who is challenged:

(A) identifies the name of the challenged individual;

(B) lists the last known address or telephone number of the challenged individual;

(C) provides the basis for the challenge, as provided under Section ~~[20A-3-202]~~

20A-3a-803;

(D) provides facts and circumstances supporting the basis provided; and

(E) may include supporting documents, affidavits, or other evidence; and

(iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

(A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and

(B) according to the filer's personal knowledge and belief, the basis for the challenge under Section ~~[20A-3-202]~~ 20A-3a-803 for each challenged individual is valid.

(b) ~~[A person that]~~ An individual who files a written statement under Subsection (1)(a) shall file the written statement during the election officer's regular business hours:

(i) at least 45 days before the day of the election; or

(ii) if the challenge is to an individual who registered to vote between the day that is 45 days before the election and the day of the election:

(A) on or before the day of the election; and

(B) before the individual's ballot is removed from a ballot envelope or otherwise separated from any information that could be used to identify the ballot as the individual's ballot.

(c) The challenge may not be based on unsupported allegations or allegations by an anonymous ~~[person]~~ individual.

(d) An election officer may require ~~[a person that]~~ an individual who files a challenge under this section to file the challenge on a form provided by the election officer that meets the requirements of this section.

(2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge does not meet the requirements of this part, the election officer shall dismiss the challenge and notify the filer in writing of the reasons for the dismissal.

(3) (a) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall attempt to notify each challenged individual in accordance with Subsection (3)(b):

(i) at least 28 days before the date of the election, if the election officer receives the challenge under Subsection (1)(b)(i); or

(ii) within one business day, if the election officer receives the challenge under Subsection (1)(b)(ii).

(b) The election officer shall attempt to notify each challenged individual:

(i) that a challenge has been filed against the challenged individual;

(ii) that the challenged individual may be required to cast a provisional ballot at the time the individual votes if the individual votes in person;

(iii) ~~[if the election is being conducted entirely by absentee ballot or if the individual is otherwise registered to vote by absentee ballot,]~~ that if the individual votes by ~~[absentee ballot]~~ mail, the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;

(iv) of the basis for the challenge, which may include providing a copy of the challenge the filer filed with the election officer; and

(v) that the challenged individual may submit information, a sworn statement, supporting documents, affidavits, or other evidence supporting the challenged individual's eligibility to vote in the election to the election officer no later than:

2882 (A) 21 days before the date of the election, if the election officer receives the challenge
2883 under Subsection (1)(b)(i); or

2884 (B) five days before the day on which the canvass is held, if the election officer
2885 receives the challenge under Subsection (1)(b)(ii).

2886 (4) (a) The election officer shall determine whether each challenged individual is
2887 eligible to vote before the day on which:

2888 (i) early voting commences, if the election officer receives the challenge under
2889 Subsection (1)(b)(i); or

2890 (ii) the canvass is held, if the election officer receives the challenge under Subsection
2891 (1)(b)(ii).

2892 (b) (i) The filer has the burden to prove, by clear and convincing evidence, that the
2893 basis for challenging the individual's eligibility to vote is valid.

2894 (ii) The election officer shall resolve the challenge based on the available facts and
2895 information submitted, which may include voter registration records and other documents or
2896 information available to the election officer.

2897 (5) ~~[A person]~~ An individual who files a challenge in accordance with the requirements
2898 of this section is subject to criminal penalties for false statements as provided under Sections
2899 76-8-503 and 76-8-504 and any other applicable criminal provision.

2900 (6) (a) A challenged individual may appeal an election officer's decision regarding the
2901 individual's eligibility to vote to the district court having jurisdiction over the location where
2902 the challenge was filed.

2903 (b) The district court shall uphold the decision of the election officer unless the district
2904 court determines that the decision was arbitrary, capricious, or unlawful.

2905 (c) In making the district court's determination, the district court's review is limited to:

2906 (i) the information filed under Subsection (1)(a) by the filer;

2907 (ii) the information submitted under Subsection (3)(b)(v) by the challenged individual;

2908 and

2909 (iii) any additional facts and information used by the election official to determine
2910 whether the challenged individual is eligible to vote, as indicated by the election official.

2911 (7) A challenged individual may register to vote or change the location of the
2912 individual's voter registration if otherwise permitted by law.

(8) A document pertaining to a challenge filed under this section is a public record.

Section 65. Section **20A-3a-805**, which is renumbered from Section 20A-3-202.5 is renumbered and amended to read:

~~[20A-3-202.5].~~ **20A-3a-805. Challenges to a voter's eligibility at polling place -- Procedure.**

(1) (a) A poll worker, a watcher, or an individual who ~~[lives in the voting precinct]~~ resides in the jurisdiction to which the election relates may, at a polling place, challenge an individual's eligibility to vote ~~[in that voting precinct or]~~ a particular ballot or to vote in that election if:

(i) the individual making the challenge and the challenged individual are both present at the polling place at the time the challenge is made; and

(ii) the challenge is made ~~[when]~~ before the challenged individual applies for a ballot.

(b) An individual may make a challenge by orally stating the challenged individual's name and the basis for the challenge, as provided under Section ~~[20A-3-202]~~ 20A-3a-803.

(2) The poll worker shall record a challenge in the official register ~~[and]~~ or on the challenge sheets in the pollbook, including:

(a) the name of the challenged individual;

(b) the name of the individual making the challenge; and

(c) the basis upon which the challenge is made.

(3) If an individual's eligibility to vote is challenged under this section, the poll worker shall follow the procedures and requirements of Section ~~[20A-3-105.5]~~ 20A-3a-205.

Section 66. Section **20A-3a-806**, which is renumbered from Section 20A-3-203 is renumbered and amended to read:

~~[20A-3-203].~~ **20A-3a-806. Election official or watcher revealing vote.**

(1) It is unlawful for an election official or watcher to reveal to another person the name of a candidate or ballot proposition for whom a voter has voted or to communicate to another person the election official or watcher's opinion, belief, or impression regarding for whom or what a voter has voted.

(2) A person who violates this section is guilty of a class A misdemeanor.

Section 67. Section **20A-4-101** is amended to read:

20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at

2944 **polling place on day of election before polls close.**

2945 (1) Each county legislative body ~~[or]~~, municipal legislative body ~~[that has voting~~
2946 ~~precincts that use paper ballots]~~, and each poll worker ~~[in those voting precincts]~~ shall comply
2947 with the requirements of this section when counting manual ballots on the day of an election,
2948 if:

2949 (a) the ballots are cast at a polling place; and

2950 (b) the ballots are counted at the polling place before the polls close.

2951 (2) (a) Each county legislative body or municipal legislative body shall provide:

2952 (i) two sets of ballot boxes for all voting precincts where both receiving and counting
2953 judges have been appointed; and

2954 (ii) a counting room for the use of the poll workers counting the ballots during the day.

2955 (b) At any election in any voting precinct in which both receiving and counting judges
2956 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

2957 (i) close the first ballot box and deliver it to the counting judges; and

2958 (ii) prepare and use another ballot box to receive voted ballots.

2959 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting
2960 judges shall:

2961 (i) take the ballot box to the counting room;

2962 (ii) count the votes on the regular ballots in the ballot box;

2963 (iii) place the provisional ballot envelopes in the envelope or container provided for
2964 them for return to the election officer; and

2965 (iv) when they have finished counting the votes in the ballot box, return the emptied
2966 box to the receiving judges.

2967 (d) (i) During the course of election day, whenever there are at least 20 ballots
2968 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting
2969 judges for counting; and

2970 (ii) the counting judges shall immediately count the regular ballots and segregate the
2971 provisional ballots contained in that box.

2972 (e) The counting judges shall continue to exchange the ballot boxes and count ballots
2973 until the polls close.

2974 (f) (i) The director of elections within the Office of the Lieutenant Governor shall make

rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(ii) When counting ballots in an instant runoff voting race described in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

(a) to the extent applicable, Section 20A-4-105; and

(b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

Section 68. Section **20A-4-102** is amended to read:

20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election after polls close.

(1) (a) This section governs counting manual ballots on the day of an election, if:

(i) the ballots are cast at a polling place; and

(ii) the ballots are counted at the polling place after the polls close.

~~[(a)]~~ (b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

~~[(b)]~~ (c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

(i) to the extent applicable, Section 20A-4-105; and

(ii) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

3006 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper
3007 official endorsement, the judges shall put those ballots in an excess ballot file and not count
3008 them.

3009 (c) (i) If, after examining the official endorsements, there are still more ballots in the
3010 ballot box than there are names entered in the pollbook, the judges shall place the remaining
3011 ballots back in the ballot box.

3012 (ii) One of the judges, without looking, shall draw a number of ballots equal to the
3013 excess from the ballot box.

3014 (iii) The judges shall put those excess ballots into the excess ballot envelope and not
3015 count them.

3016 (d) When the ballots in the ballot box equal the number of names entered in the
3017 pollbook, the judges shall count the votes.

3018 (3) The judges shall:

3019 (a) place all unused ballots in the envelope or container provided for return to the
3020 county clerk or city recorder; and

3021 (b) seal that envelope or container.

3022 (4) The judges shall:

3023 (a) place all of the provisional ballot envelopes in the envelope provided for them for
3024 return to the election officer; and

3025 (b) seal that envelope or container.

3026 (5) (a) In counting the votes, the election judges shall read and count each ballot
3027 separately.

3028 (b) In regular primary elections the judges shall:

3029 (i) count the number of ballots cast for each party;

3030 (ii) place the ballots cast for each party in separate piles; and

3031 (iii) count all the ballots for one party before beginning to count the ballots cast for
3032 other parties.

3033 (6) (a) In all elections, the counting judges shall, except as provided in Title 20A,
3034 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under
3035 Subsection 20A-4-101(2)(f)(i):

3036 (i) count one vote for each candidate designated by the marks in the squares next to the

3037 candidate's name;

3038 (ii) count one vote for each candidate on the ticket beneath a marked circle, excluding

3039 any candidate for an office for which a vote has been cast for a candidate for the same office

3040 upon another ticket by the placing of a mark in the square opposite the name of that candidate

3041 on the other ticket;

3042 (iii) count each vote for each write-in candidate who has qualified by filing a

3043 declaration of candidacy under Section 20A-9-601;

3044 (iv) read every name marked on the ballot and mark every name upon the tally sheets

3045 before another ballot is counted;

3046 (v) evaluate each ballot and each vote based on the standards and requirements of

3047 Section 20A-4-105;

3048 (vi) write the word "spoiled" on the back of each ballot that lacks the official

3049 endorsement and deposit it in the spoiled ballot envelope; and

3050 (vii) read, count, and record upon the tally sheets the votes that each candidate and

3051 ballot proposition received from all ballots, except excess or spoiled ballots.

3052 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or

3053 persons clearly not eligible to qualify for office.

3054 (c) The judges shall certify to the accuracy and completeness of the tally list in the

3055 space provided on the tally list.

3056 (d) When the judges have counted all of the voted ballots, they shall record the results

3057 on the total votes cast form.

3058 (7) Only an election judge and a watcher may be present at the place where counting is

3059 conducted until the count is completed.

3060 Section 69. Section **20A-4-103** is amended to read:

3061 **20A-4-103. Preparing ballots cast at a polling place for the counting center.**

3062 (1) This section governs the preparation of ballots for the counting center when the

3063 ballots are cast at a polling place.

3064 ~~[(1)](2) (a) [In voting precincts using ballot sheets, as]~~ As soon as the polls have been

3065 closed and the last qualified voter has voted, the poll workers shall prepare the ~~[ballot sheets]~~

3066 ballots for delivery to the counting center as provided in this section.

3067 (b) The poll workers, election officers, and other persons may not manually count any

3068 votes before delivering the ballots to the counting center.

3069 ~~[(2)]~~ (3) The poll workers shall:

3070 (a) complete the statement of disposition of ballots and all other forms required by the
3071 election officer;

3072 (b) place a copy of the forms described in Subsection (3)(a) and the voted ballots in a
3073 sealed container;

3074 ~~[(a)]~~ (c) place all ~~[of the]~~ provisional ~~[ballot envelopes in the envelope or]~~ ballots in
3075 the container provided for [them for return] returning provisional ballots to the counting
3076 center~~[, and (b) seal that envelope or]~~ and seal the container[:]; and

3077 (d) deliver to the counting center;

3078 (i) the items described in Subsections (3)(a) through (c); and

3079 (ii) any other items required by the election officer.

3080 ~~[(3) (a) The poll workers shall check each secrecy envelope to see if the envelope~~
3081 ~~contains any write-in votes.]~~

3082 ~~[(b) If a secrecy envelope does not contain any write-in votes, the poll workers shall~~
3083 ~~remove the ballot sheet from the secrecy envelope.]~~

3084 ~~[(c) If a secrecy envelope contains any write-in votes, the poll workers may not~~
3085 ~~separate the ballot sheet from the secrecy envelope.]~~

3086 ~~[(4) The poll workers shall place:]~~

3087 ~~[(a) the voted ballot sheets and one copy of the statement of disposition of ballots in~~
3088 ~~the transfer case;]~~

3089 ~~[(b) the other copy of the statement of disposition of ballots, the pollbook, any~~
3090 ~~unprocessed absentee ballots, the poll workers' pay vouchers, the official register, and the~~
3091 ~~spoiled ballot envelope in the carrier envelope provided; and]~~

3092 ~~[(c) the other election materials in the election supply box.]~~

3093 Section 70. Section **20A-4-104** is amended to read:

3094 **20A-4-104. Counting ballots electronically.**

3095 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
3096 election officer shall test the automatic tabulating equipment to ensure that it will accurately
3097 count the votes cast for all offices and all measures.

3098 (b) The election officer shall publish public notice of the time and place of the test:

3099 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of
3100 general circulation in the county, municipality, or jurisdiction where the equipment is used;
3101 (B) if there is no daily or weekly newspaper of general circulation in the county,
3102 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
3103 test, by posting one notice, and at least one additional notice per 2,000 population of the
3104 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
3105 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or
3106 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
3107 in the county, municipality, or jurisdiction where the equipment is used;
3108 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
3109 before the day of the test;
3110 (iii) in accordance with Section 45-1-101, for at least 10 days before the day of the test;
3111 and
3112 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
3113 weeks before the day of the test.
3114 (c) The election officer shall conduct the test by processing a preaudited group of
3115 ballots.
3116 (d) The election officer shall ensure that:
3117 (i) a predetermined number of valid votes for each candidate and measure are recorded
3118 on the ballots;
3119 (ii) for each office, one or more [~~ballot sheets~~] ballots have votes in excess of the
3120 number allowed by law in order to test the ability of the automatic tabulating equipment to
3121 reject those votes; and
3122 (iii) a different number of valid votes are assigned to each candidate for an office, and
3123 for and against each measure.
3124 (e) If any error is detected, the election officer shall determine the cause of the error
3125 and correct it.
3126 (f) The election officer shall ensure that:
3127 (i) the automatic tabulating equipment produces an errorless count before beginning
3128 the actual counting; and
3129 (ii) the automatic tabulating equipment passes the same test at the end of the count

3130 before the election returns are approved as official.

3131 (2) (a) The election officer or the election officer's designee shall supervise and direct
3132 all proceedings at the counting center.

3133 (b) (i) Proceedings at the counting center are public and may be observed by interested
3134 persons.

3135 (ii) Only those persons authorized to participate in the count may touch any ballot or
3136 return.

3137 (c) The election officer shall deputize and administer an oath or affirmation to all
3138 persons who are engaged in processing and counting the ballots that they will faithfully
3139 perform their assigned duties.

3140 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
3141 automatic tabulating equipment, the election officer shall ensure that two counting judges
3142 jointly:

3143 (a) [~~create a true duplicate copy~~] make a true replication of the ballot with an
3144 identifying serial number;

3145 (b) substitute the [~~duplicate~~] replicated ballot for the damaged or defective ballot;

3146 (c) label the [~~duplicate~~] replicated ballot [~~"duplicate"~~] "replicated"; and

3147 (d) record the [~~duplicate~~] replicated ballot's serial number on the damaged or defective
3148 ballot.

3149 (4) The election officer may:

3150 (a) conduct an unofficial count before conducting the official count in order to provide
3151 early unofficial returns to the public;

3152 (b) release unofficial returns from time to time after the polls close; and

3153 (c) report the progress of the count for each candidate during the actual counting of
3154 ballots.

3155 (5) The election officer shall review and evaluate the provisional ballot envelopes and
3156 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

3157 (6) (a) The election officer or the election officer's designee shall:

3158 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

3159 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

3160 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast

more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

(7) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(8) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(9) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 71. Section **20A-4-105** is amended to read:

20A-4-105. Standards and requirements for evaluating voter's ballot choices.

(1) (a) An election officer shall ensure that when a question arises regarding a vote recorded on a ~~[paper]~~ manual ballot, two counting judges jointly adjudicate the ballot, except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, in accordance with the requirements of this section.

(b) If the counting judges disagree on the disposition of a vote recorded on a ballot that is adjudicated under this section, the counting judges may not count the vote.

(2) Except as provided in Subsection (11), Subsection ~~[20A-3-105(5)]~~ 20A-3a-204(6), or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are individuals to be elected to an office, or if the counting judges cannot determine a voter's choice for an office, the counting judges may not count the voter's vote for that office.

(3) Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges shall count a defective or incomplete mark on a ~~[paper]~~ manual ballot if:

(a) the defective or incomplete mark is in the proper place; and

(b) there is no other mark or cross on the ballot indicating the voter's intent to vote other than as indicated by the incomplete or defective mark.

(4) (a) When a voter has marked a ballot so that it appears that the voter has voted more than one straight ticket, the counting judges may not count any votes on the ballot for party candidates.

(b) The counting judges shall count the remainder of the ballot if the remainder of the ballot is voted correctly.

(5) Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot show an intent by an individual to mark the individual's ballot so that the individual's ballot can be identified.

(6) (a) In counting the ballots, the counting judges shall give full consideration to the intent of the voter.

(b) The counting judges may not invalidate a ballot because of mechanical or technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3, Voting.

(7) The counting judges may not reject a ballot because of an error in:

(a) stamping or writing an official endorsement; or

(b) delivering the wrong ballots to a polling place.

(8) The counting judges may not count a ~~paper~~ manual ballot that does not have the official endorsement by an election officer.

(9) The counting judges may not count a ballot proposition vote or candidate vote for which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

(10) If the counting judges discover that the name of a candidate is misspelled on a ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is apparent that the voter intended to vote for the candidate.

(11) The counting judges shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(12) Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that

3223 office, the counting judges shall count the valid write-in vote as being the obvious intent of the
3224 voter.

3225 Section 72. Section **20A-4-106** is amended to read:

3226 **20A-4-106. Manual ballots -- Sealing.**

3227 ~~[(1)(a)(i) At all elections using paper ballots, as soon as the counting judges have read~~
3228 ~~and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate~~
3229 ~~strings.]~~

3230 (1) After the official canvas of an election, the election officer shall store all election
3231 returns in containers that identify the containers' contents.

3232 ~~[(ii)]~~ (2) After the ballots are [strung, they] stored under Subsection (1), the ballots may
3233 not be examined by anyone, except when examined during a recount conducted under the
3234 authority of Section 20A-4-401 or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
3235 Methods Pilot Project.

3236 ~~[(b) The judges shall carefully seal all of the strung ballots in a strong envelope.]~~

3237 ~~[(2)(a) For regular primary elections, after all the ballots have been counted, certified~~
3238 ~~to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate~~
3239 ~~envelopes.]~~

3240 ~~[(b) The judges shall:]~~

3241 ~~[(i) seal each of the envelopes containing the votes of each of the political parties in~~
3242 ~~one large envelope, and]~~

3243 ~~[(ii) return that envelope to the county clerk.]~~

3244 ~~[(c) The judges shall:]~~

3245 ~~[(i) destroy the ballots in the blank ballot box, or]~~

3246 ~~[(ii) if directed to do so by the election officer, return them to the election officer for~~
3247 ~~destruction.]~~

3248 ~~[(3) As soon as the judges have counted all the votes and sealed the ballots they shall~~
3249 ~~sign and certify the pollbooks.]~~

3250 ~~[(4)(a) The judges, before they adjourn, shall:]~~

3251 ~~[(i) enclose and seal the official register, the posting book, the pollbook, the ballot~~
3252 ~~disposition form, the military and overseas absentee voter registration and voting certificates,~~
3253 ~~one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;]~~

~~[(ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);]~~

~~[(iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch;]~~

~~[(iv) place all provisional ballots in a separate envelope or pouch; and]~~

~~[(v) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.]~~

~~[(b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:]~~

~~["We, the undersigned, judges of election for precinct _____, (jurisdiction) _____, Utah, certify that the required entries have been made for the election held _____(month\day\year), including:]~~

~~[a list of the ballot numbers for each voter;]~~

~~[the voters' signatures, except where a judge has signed for the absentee voters;]~~

~~[a list of information surrounding a voter who is challenged;]~~

~~[including any affidavits; and]~~

~~[a notation for each time a voter was assisted with a ballot."]~~

~~[(5) Each judge shall:]~~

~~[(a) write the judge's name across the seal of each envelope or pouch;]~~

~~[(b) mark on the exterior of the envelope or pouch:]~~

~~[(i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or other words plainly indicating the contents of the packages; and]~~

~~[(ii) the number of the voting precinct.]~~

Section 73. Section **20A-4-107** is amended to read:

20A-4-107. Review and disposition of provisional ballot envelopes.

(1) As used in this section, ~~[a person]~~ an individual is "legally entitled to vote" if:

(a) the ~~[person]~~ individual:

(i) is registered to vote in the state;

(ii) votes the ballot for the voting precinct in which the ~~[person]~~ individual resides; and

(iii) provides valid voter identification to the poll worker;

(b) the ~~[person]~~ individual:

3285 (i) is registered to vote in the state;
3286 (ii) (A) provided valid voter identification to the poll worker; or
3287 (B) either failed to provide valid voter identification or the documents provided as
3288 valid voter identification were inadequate and the poll worker recorded that fact in the official
3289 register but the county clerk verifies the [person's] individual's identity and residence through
3290 some other means; and

3291 (iii) did not vote in the [person's] individual's precinct of residence, but the ballot that
3292 the [person] individual voted was from the [person's] individual's county of residence and
3293 includes one or more candidates or ballot propositions on the ballot voted in the [person's]
3294 individual's precinct of residence; or

3295 (c) the [person] individual:

3296 (i) is registered to vote in the state;
3297 (ii) either failed to provide valid voter identification or the documents provided as
3298 valid voter identification were inadequate and the poll worker recorded that fact in the official
3299 register; and

3300 (iii) (A) the county clerk verifies the [person's] individual's identity and residence
3301 through some other means as reliable as photo identification; or

3302 (B) the [person] individual provides valid voter identification to the county clerk or an
3303 election officer who is administering the election by the close of normal office hours on
3304 Monday after the date of the election.

3305 (2) (a) Upon receipt of a provisional ballot form, the election officer shall review the
3306 affirmation on the provisional ballot form and determine if the [person] individual signing the
3307 affirmation is:

3308 (i) registered to vote in this state; and

3309 (ii) legally entitled to vote:

3310 (A) the ballot that the [person] individual voted; or

3311 (B) if the ballot is from the [person's] individual's county of residence, for at least one
3312 ballot proposition or candidate on the ballot that the [person] individual voted.

3313 (b) Except as provided in Section 20A-2-207, if the election officer determines that the
3314 [person] individual is not registered to vote in this state or is not legally entitled to vote in the
3315 county or for any of the ballot propositions or candidates on the ballot that the [person]

3316 individual voted, the election officer shall retain the ballot form, uncounted, for the period
3317 specified in Section 20A-4-202 unless ordered by a court to produce or count it.

3318 (c) If the election officer determines that the [~~person~~] individual is registered to vote in
3319 this state and is legally entitled to vote in the county and for at least one of the ballot
3320 propositions or candidates on the ballot that the [~~person~~] individual voted, the election officer
3321 shall place the provisional ballot with the [~~absentee~~] regular ballots to be counted with those
3322 ballots at the canvass.

3323 (d) The election officer may not count, or allow to be counted a provisional ballot
3324 unless the [~~person's~~] individual's identity and residence is established by a preponderance of the
3325 evidence.

3326 (3) If the election officer determines that the [~~person~~] individual is registered to vote in
3327 this state, or if the voter registers to vote in accordance with Section 20A-2-207, the election
3328 officer shall ensure that the voter registration records are updated to reflect the information
3329 provided on the provisional ballot form.

3330 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
3331 [~~person~~] individual is not registered to vote in this state and the information on the provisional
3332 ballot form is complete, the election officer shall:

3333 (a) consider the provisional ballot form a voter registration form for the [~~person's~~]
3334 individual's county of residence; and

3335 (b) (i) register the [~~person~~] individual if the [~~voter's~~] individual's county of residence is
3336 within the county; or

3337 (ii) forward the voter registration form to the election officer of the [~~person's~~]
3338 individual's county of residence, which election officer shall register the [~~person~~] individual.

3339 (5) Notwithstanding any provision of this section, the election officer shall place a
3340 provisional ballot with the [~~absentee~~] regular ballots to be counted with those ballots at the
3341 canvass, if:

3342 (a) (i) the election officer determines, in accordance with the provisions of this section,
3343 that the sole reason a provisional ballot may not otherwise be counted is because the voter
3344 registration was filed less than [~~seven~~] 11 days before the election;

3345 (ii) [~~seven~~] 11 or more days before the election, the individual who cast the provisional
3346 ballot:

3347 (A) completed and signed the voter registration; and
3348 (B) provided the voter registration to another person to file;
3349 (iii) the late filing was made due to the ~~[person]~~ individual described in Subsection
3350 (5)(a)(ii)(B) filing the voter registration late; and
3351 (iv) the election officer receives the voter registration before 5 p.m. no later than one
3352 day before the day of the election; or

3353 (b) the provisional ballot is cast on or before election day and is not otherwise
3354 prohibited from being counted under the provisions of this chapter.

3355 Section 74. Section **20A-4-201** is amended to read:

3356 **20A-4-201. Delivery of election returns.**

3357 (1) At least two poll workers shall deliver the ~~[ballot box, the lock, and the key]~~ ballots
3358 and other items described in Subsection 20A-4-103(3)(d) to:

3359 (a) the election officer; or
3360 (b) the location directed by the election officer.

3361 (2) (a) Before they adjourn, the poll workers shall choose two or more of their number
3362 to deliver the election returns to the election officer.

3363 (b) The poll workers shall:

3364 (i) deliver the unopened envelopes ~~[or pouches]~~ to the election officer or counting
3365 center immediately but no later than 24 hours after the polls close; or

3366 (ii) if the polling place is 15 miles or more from the county seat, mail the election
3367 returns to the election officer by registered mail from the post office most convenient to the
3368 polling place within 24 hours after the polls close.

3369 (3) The election officer shall pay each poll worker reasonable compensation for travel
3370 that is necessary to deliver the election returns and to return to the polling place.

3371 (4) The requirements of this section do not prohibit transmission of the unofficial vote
3372 count to the counting center via electronic means, provided that reasonable security measures
3373 are taken to preserve the integrity and privacy of the transmission.

3374 Section 75. Section **20A-4-202** is amended to read:

3375 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
3376 **provisional ballots cast.**

3377 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

3378 (a) ensure that the poll workers have provided all of the ballots and election returns;
3379 (b) inspect the ballots and election returns to ensure that they are sealed;
3380 (c) ~~[(i)]~~ for ~~[paper]~~ manual ballots, deposit and lock the ballots and election returns in a
3381 safe and secure place~~[-or];~~
3382 ~~[(ii)]~~ ~~(d)~~ ~~[for punch-card]~~ for mechanical ballots:
3383 ~~[(A)]~~ (i) count the ballots; and
3384 ~~[(B)]~~ (ii) deposit and lock the ballots and election returns in a safe and secure place;
3385 and
3386 ~~[(d)]~~ (e) for bond elections, provide a copy of the election results to the board of
3387 canvassers of the local political subdivision that called the bond election.
3388 (2) Each election officer shall:
3389 (a) before 5 p.m. on the day after the date of the election, determine the number of
3390 provisional ballots cast within the election officer's jurisdiction and make that number available
3391 to the public;
3392 (b) preserve ballots for 22 months after the election or until the time has expired during
3393 which the ballots could be used in an election contest;
3394 ~~[(c)]~~ ~~package and seal a true copy of the ballot label used in each voting precinct;~~
3395 ~~[(d)]~~ (c) preserve all other official election returns for at least 22 months after an
3396 election; and
3397 ~~[(e)]~~ (d) after that time, destroy them without opening or examining them.
3398 (3) (a) The election officer shall package and retain all tabulating cards and other
3399 materials used in the programming of the automatic tabulating equipment.
3400 (b) The election officer:
3401 (i) may access these tabulating cards and other materials;
3402 (ii) may make copies of these materials and make changes to the copies;
3403 (iii) may not alter or make changes to the materials themselves; and
3404 (iv) within 22 months after the election in which they were used, may dispose of those
3405 materials or retain them.
3406 (4) (a) If an election contest is begun within 12 months, the election officer shall:
3407 (i) keep the ballots and election returns unopened and unaltered until the contest is
3408 complete; or

(ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.

(b) When all election contests arising from an election are complete, the election officer shall either:

(i) retain the ballots and election returns until the time for preserving them under this section has run; or

(ii) destroy the ballots and election returns remaining in the election officer's custody without opening or examining them if the time for preserving them under this section has run.

Section 76. Section **20A-4-303** is amended to read:

20A-4-303. Duties of the board of canvassers -- Canvassing the returns.

(1) (a) Before the board of canvassers convenes, the election officer shall:

(i) count the ballots;

(ii) prepare a certified summary of:

(A) all ballots counted; and

(B) all ballots not counted, with an explanation regarding the reason the ballots were not counted; and

(iii) make available to the board of canvassers for inspection, all ballots, registers, books, and forms related to the election.

~~[(a)] (b)~~ The board of canvassers shall canvass the election returns by publicly ~~[opening the returns and determining from them the votes of each voting precinct for]:~~

(i) reviewing the summary reports prepared by the election officer and any ballots, registers, books, or forms requested by the board of canvassers; and

(ii) certifying the votes cast:

~~[(i)]~~ (A) each person voted for; and

~~[(ii)]~~ (B) for and against each ballot proposition voted upon at the election.

~~[(b)]~~ (c) The board of canvassers shall, once having begun the canvass, continue until it is completed.

(2) In canvassing returns, the board of canvassers may not:

(a) reject any election returns if the board can determine the number of votes cast for each person from it;

(b) reject any election returns if the election returns:

(i) do not show who administered the oath to the judges of election;
(ii) show that the election judges failed to fill out all the certificates in the pollbooks; or
(iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or
(c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.

(3) (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, ~~[they shall transmit the election returns to the election judges for correction]~~ the election officer shall correct the omissions and mistakes.

~~[(b) Upon receipt of the election returns for correction from the board of canvassers, the election judges shall correct the election returns as required by the facts.]~~

~~[(c)]~~ (b) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.

(4) If a recount is conducted as authorized by Section 20A-4-401, the board of canvassers shall canvass the results of that recount as provided in this section and Section 20A-4-401.

Section 77. Section **20A-4-401** is amended to read:

20A-4-401. Recounts -- Procedure.

(1) (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount

3471 in accordance with Subsection (1)(d).

3472 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall
3473 file the request:

3474 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within
3475 three days after the canvass; or

3476 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

3477 (A) the municipal clerk, if the election is a municipal general election;

3478 (B) the local district clerk, if the election is a local district election;

3479 (C) the county clerk, for races voted on entirely within a single county; or

3480 (D) the lieutenant governor, for statewide races and multicounty races.

3481 (e) The election officer shall:

3482 (i) supervise the recount;

3483 (ii) recount all ballots cast for that race;

3484 (iii) reexamine all [~~unopened absentee~~] uncounted ballots to ensure compliance with

3485 Chapter 3, Part [~~3, Absentee Voting~~] 4. Disposition of Ballots;

3486 (iv) for a race where only one candidate may win, declare elected the candidate who
3487 receives the highest number of votes on the recount; and

3488 (v) for a race where multiple candidates may win, declare elected the applicable
3489 number of candidates who receive the highest number of votes on the recount.

3490 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond
3491 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of
3492 the total votes cast for or against the proposition, any 10 voters who voted in the election where
3493 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven
3494 days after the day of the canvass with the person described in Subsection (2)(c).

3495 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
3496 against the proposition is 400 or less, if the difference between the number of votes cast for the
3497 proposition and the number of votes cast against the proposition is one vote, any 10 voters who
3498 voted in the election where the proposition was on the ballot may file a request for a recount
3499 before 5 p.m. within seven days after the day of the canvass with the person described in
3500 Subsection (2)(c).

3501 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall

3502 file the request with:

3503 (i) the municipal clerk, if the election is a municipal election;

3504 (ii) the local district clerk, if the election is a local district election;

3505 (iii) the county clerk, for propositions voted on entirely within a single county; or

3506 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

3507 (d) The election officer shall:

3508 (i) supervise the recount;

3509 (ii) recount all ballots cast for that ballot proposition or bond proposition;

3510 (iii) reexamine all [~~unopened absentee~~] uncounted ballots to ensure compliance with

3511 Chapter 3, Part [~~3, Absentee Voting~~] 4, Disposition of Ballots; and

3512 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"

3513 based upon the results of the recount.

3514 (e) Proponents and opponents of the ballot proposition or bond proposition may

3515 designate representatives to witness the recount.

3516 (f) The voters requesting the recount shall pay the costs of the recount.

3517 (3) Costs incurred by recount under Subsection (1) may not be assessed against the

3518 person requesting the recount.

3519 (4) (a) Upon completion of the recount, the election officer shall immediately convene

3520 the board of canvassers.

3521 (b) The board of canvassers shall:

3522 (i) canvass the election returns for the race or proposition that was the subject of the

3523 recount; and

3524 (ii) with the assistance of the election officer, prepare and sign the report required by

3525 Section 20A-4-304 or 20A-4-306.

3526 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

3527 the board of county canvassers shall prepare and transmit a separate report to the lieutenant

3528 governor as required by Subsection 20A-4-304 (7).

3529 (d) The canvassers' report prepared as provided in this Subsection (4) is the official

3530 result of the race or proposition that is the subject of the recount.

3531 Section 78. Section **20A-5-102** is amended to read:

3532 **20A-5-102. Voting instructions.**

(1) Each election officer shall:

(a) print [~~instruction cards~~] instructions for voters;

(b) ensure that the [~~cards~~] instructions are printed in English, and any other language required under the Voting Rights Act of 1965, as amended, in large clear type; and

(c) ensure that the [~~cards instruct~~] instructions inform voters:

(i) about how to obtain ballots for voting;

(ii) about special political party affiliation requirements for voting in a regular primary election or presidential primary election;

(iii) about how to prepare ballots for deposit in the ballot box;

(iv) about how to record write-in votes;

(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

(vi) about how to obtain assistance in marking ballots;

(vii) about obtaining a new ballot if the voter's ballot is defaced;

(viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;

(ix) about how to obtain and vote a provisional ballot;

(x) about whom to contact to report election fraud;

(xi) about applicable federal and state laws regarding:

(A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and

(B) prohibitions on acts of fraud and misrepresentation;

(xii) about procedures governing mail-in registrants and first-time voters; and

(xiii) about the date of the election and the hours that the polls are open on election day.

(2) Each election officer shall:

(a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;

(b) direct the election judges to post:

(i) general voting instructions in each voting booth; and

(ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Section 79. Section **20A-5-205** is amended to read:

20A-5-205. Delivery of official register.

(1) Before delivering the official register to the poll workers, the county clerk shall ~~[attach the certificate required by law to the book]~~ verify the accuracy and completeness of the official register.

(2) The county clerk shall ~~[deliver the official register, its accuracy verified by the county clerk's signature, to a poll worker in each voting precinct by noon on the day before the election.],~~ before the polls open at an early voting center or any other polling place:

(a) deliver the official register to each polling place; and

(b) provide verification of the official register's accuracy and completeness.

(3) This section does not prohibit a county clerk from updating an official register as necessary.

Section 80. Section **20A-5-206** is amended to read:

20A-5-206. Change of precinct boundaries -- Revising list.

(1) Whenever the boundaries of any voting precinct are changed, or a new voting precinct is created, the county clerk shall ensure that the names of all voters residing within the territory affected by the change are ~~[transferred from one]~~ updated in the official register ~~[to the other].~~

(2) Any registered voter whose name has been erroneously ~~[transferred from one]~~ updated in the official register ~~[to another],~~ or erroneously ~~[allowed to remain on any]~~ not updated in the official register, may vote in the voting precinct in which the voter resides if the voter uses a provisional ballot.

Section 81. Section **20A-5-302** is amended to read:

20A-5-302. Automated voting system.

(1) (a) Any county or municipal legislative body or local district board may:

(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with ~~[paper]~~ manual ballots.

(b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.

3595 (2) (a) Each automated voting system shall:

3596 (i) provide for voting in secrecy, except in the case of voters who have received

3597 assistance as authorized by Section ~~[20A-3-108]~~ 20A-3a-108;

3598 (ii) permit each voter at any election to:

3599 (A) vote for all persons and offices for whom and for which that voter is lawfully

3600 entitled to vote;

3601 (B) vote for as many persons for an office as that voter is entitled to vote; and

3602 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

3603 (iii) permit each voter, at presidential elections, by one mark ~~[or punch]~~, to vote for the

3604 candidates of that party for president, vice president, and for their presidential electors;

3605 (iv) permit each voter, at any regular general election, to vote for all the candidates of

3606 one registered political party by making one mark ~~[or punch]~~;

3607 (v) permit each voter to scratch vote;

3608 (vi) at elections other than primary elections, permit each voter to vote for the

3609 nominees of one or more parties and for independent candidates;

3610 (vii) at primary elections:

3611 (A) permit each voter to vote for candidates of the political party of the voter's choice;

3612 and

3613 (B) reject any votes cast for candidates of another party;

3614 (viii) prevent the voter from voting for the same person more than once for the same

3615 office;

3616 (ix) provide the opportunity for each voter to change the ballot and to correct any error

3617 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.

3618 L. No. 107-252;

3619 (x) include automatic tabulating equipment that rejects choices recorded on a voter's

3620 ballot if the number of the voter's recorded choices is greater than the number which the voter

3621 is entitled to vote for the office or on the measure;

3622 (xi) be of durable construction, suitably designed so that it may be used safely,

3623 efficiently, and accurately in the conduct of elections and counting ballots;

3624 (xii) when properly operated, record correctly and count accurately each vote cast;

3625 (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper

3626 record that:

3627 (A) shall be available as an official record for any recount or election contest
3628 conducted with respect to an election where the voting equipment is used;

3629 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling
3630 place; and

3631 (II) shall permit the voter to inspect the record of the voter's selections independently
3632 only if reasonably practicable commercial methods permitting independent inspection are
3633 available at the time of certification of the voting equipment by the lieutenant governor;

3634 (C) shall include, at a minimum, human readable printing that shows a record of the
3635 voter's selections;

3636 (D) may also include machine readable printing which may be the same as the human
3637 readable printing; and

3638 (E) allows a watcher to observe the election process to ensure the integrity of the
3639 election process; and

3640 (xiv) meet the requirements of Section 20A-5-802.

3641 (b) For the purposes of a recount or an election contest, if the permanent paper record
3642 contains a conflict or inconsistency between the human readable printing and the machine
3643 readable printing, the human readable printing shall supercede the machine readable printing
3644 when determining the intent of the voter.

3645 (c) Notwithstanding any other provisions of this section, the election officers shall
3646 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
3647 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
3648 for use in the counting devices in which they are intended to be placed.

3649 Section 82. Section **20A-5-401** is amended to read:

3650 **20A-5-401. Official register -- Preparation -- Contents.**

3651 (1) (a) Before the registration days for each regular general, municipal general, regular
3652 primary, municipal primary, or presidential primary election, each county clerk shall prepare an
3653 official register of all voters [~~for each voting precinct~~] that will participate in the election.

3654 (b) The county clerk shall ensure that the official register is prepared [~~for the~~
3655 ~~alphabetical entry of names~~] and contains [~~entry fields to provide for~~] the following
3656 [~~information~~] for each registered voter:

3657 (i) ~~[registered voter's]~~ name;
 3658 (ii) party affiliation;
 3659 (iii) an entry field for a voter challenge, including the name of the individual making
 3660 the challenge and the grounds for the challenge;
 3661 ~~[(iv) name of person challenging a voter;]~~
 3662 ~~[(v) primary, November, special;]~~
 3663 (iv) election name and date;
 3664 ~~[(vi)]~~ (v) date of birth;
 3665 ~~[(vii) place of birth;]~~
 3666 ~~[(viii)]~~ (vi) place of current residence;
 3667 ~~[(ix)]~~ (vii) street address of current residence;
 3668 ~~[(x)]~~ (viii) zip code;
 3669 ~~[(xi)]~~ (ix) identification and provisional ballot information as required under
 3670 Subsection (1)(d); and
 3671 ~~[(xii)]~~ (x) space for the voter to sign ~~[his]~~ the voter's name for ~~[each]~~ the election.
 3672 (c) When preparing the official register for the presidential primary election, the county
 3673 clerk shall include:
 3674 (i) an entry field to record the name of the political party whose ballot the voter voted;
 3675 and
 3676 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.
 3677 (d) When preparing the official register for any regular general election, municipal
 3678 general election, statewide special election, local special election, regular primary election,
 3679 municipal primary election, local district election, or election for federal office, the county
 3680 clerk shall include:
 3681 (i) an entry field for the poll worker to record the type of identification provided by the
 3682 voter;
 3683 (ii) a ~~[column]~~ space for the poll worker to record the provisional envelope ballot
 3684 number for voters who receive a provisional ballot; and
 3685 (iii) a space for the poll worker to record the type of identification that was provided by
 3686 voters who receive a provisional ballot.
 3687 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal

elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section 83. Section **20A-5-403** is amended to read:

20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --

Arrangements.

(1) ~~[Each]~~ Except as provided in Section 20A-7-609.5, each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.

(2) (a) For each polling place, the election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, ~~[ballot labels, ballot sheets, write-in ballots,]~~ and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;

(v) voter information pamphlets required by Chapter 7, Part 7, Voter Information Pamphlet;

(vi) the ~~[instruction cards]~~ instructions required by Section 20A-5-102; and

(vii) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of

3719 identification that constitute valid voter identification.

3720 (b) Each election officer shall ensure that:

3721 (i) each voting booth is at a convenient height for writing, and is arranged so that the
3722 voter can prepare the voter's ballot screened from observation;

3723 (ii) there are a sufficient number of voting booths or voting devices to accommodate
3724 the voters at that polling place; and

3725 (iii) there is at least one voting booth or voting device that is configured to
3726 accommodate persons with disabilities.

3727 (c) Each county clerk shall provide a ballot box for each polling place that is large
3728 enough to properly receive and hold the ballots to be cast.

3729 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
3730 access by a person with a disability.

3731 (b) Any issues concerning inaccessibility to polling places by a person with a disability
3732 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
3733 clerk shall be:

3734 (i) forwarded to the Office of the Lieutenant Governor; and

3735 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
3736 either:

3737 (A) remedied at the particular location by the county clerk;

3738 (B) the county clerk shall designate an alternative accessible location for the particular
3739 precinct; or

3740 (C) if no practical solution can be identified, file with the Office of the Lieutenant
3741 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

3742 (4) (a) The municipality in which the election is held shall pay the cost of conducting
3743 each municipal election, including the cost of printing and supplies.

3744 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
3745 exceed the actual costs incurred by the county clerk.

3746 (ii) The actual costs shall include:

3747 (A) costs of or rental fees associated with the use of election equipment and supplies;

3748 and

3749 (B) reasonable and necessary administrative costs.

3750 (5) The county clerk shall make detailed entries of all proceedings had under this
3751 chapter.

3752 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
3753 that an individual waits in line before the individual can vote at a polling location in the county
3754 does not exceed 30 minutes.

3755 (b) The lieutenant governor may require a county clerk to submit a line management
3756 plan before the next election if an individual waits in line at a polling location in the county
3757 longer than 30 minutes before the individual can vote.

3758 (c) The lieutenant governor may consider extenuating circumstances in deciding
3759 whether to require the county clerk to submit a plan described in Subsection (6)(b).

3760 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
3761 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
3762 amount of time an individual waits in line before the individual can vote at a polling location in
3763 the county does not exceed 30 minutes.

3764 Section 84. Section **20A-5-403.5** is enacted to read:

3765 **20A-5-403.5. Ballot drop boxes.**

3766 (1) An election officer:

3767 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

3768 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
3769 election officer's jurisdiction.

3770 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer
3771 shall, at least 19 days before the date of the election, publish notice of the location of each
3772 ballot drop box designated under Subsection (1):

3773 (a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the
3774 election;

3775 (ii) if there is no newspaper of general circulation in the jurisdiction holding the
3776 election, by posting one notice, and at least one additional notice per 2,000 population of the
3777 jurisdiction holding the election, in places within the jurisdiction that are most likely to give
3778 notice to the residents in the jurisdiction; or

3779 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;

3780 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before

3781 the day of the election:

3782 (c) in accordance with Section 45-1-101, for 19 days before the date of the election;

3783 and

3784 (d) on the jurisdiction's website for 19 days before the day of the election.

3785 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
3786 election officer may publish a statement that specifies the following sources where a voter may
3787 view or obtain a copy of all ballot drop box locations:

3788 (a) the jurisdiction's website;

3789 (b) the physical address of the jurisdiction's offices; and

3790 (c) a mailing address and telephone number.

3791 (4) The election officer shall include in the notice described in Subsection (2):

3792 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3793 the address of the election officer's website, with a statement indicating that the election officer
3794 will post on the website the location of each ballot drop box, including any changes to the
3795 location of a ballot drop box and the location of additional ballot drop boxes; and

3796 (b) a phone number that a voter may call to obtain information regarding the location
3797 of a ballot drop box.

3798 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the
3799 deadline described in Subsection (2):

3800 (i) if necessary, change the location of a ballot drop box; or

3801 (ii) if the election officer determines that the number of ballot drop boxes is
3802 insufficient due to the number of registered voters who are voting, designate additional ballot
3803 drop boxes.

3804 (b) Except as provided in Section 20A-1-308, if an election officer changes the
3805 location of a ballot box or designates an additional ballot drop box location, the election officer
3806 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
3807 the additional ballot drop box location:

3808 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

3809 (ii) by posting the information on the website of the election officer, if available; and

3810 (iii) by posting notice:

3811 (A) for a change in the location of a ballot drop box, at the new location and, if

3812 possible, the old location; and

3813 (B) for an additional ballot drop box location, at the additional ballot drop box
 3814 location.

3815 (6) An election officer may, at any time, authorize two or more poll workers to remove
 3816 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

3817 Section 85. Section **20A-5-404** is amended to read:

3818 **20A-5-404. Election forms -- Preparation and contents.**

3819 (1) (a) For each election, the election officer shall prepare, for each [~~voting precinct, a:~~
 3820 ~~(i) ballot disposition form; (ii) total votes cast form; (iii) tally sheet form; and (iv) pollbook.~~]
 3821 polling place:

3822 (i) forms for poll workers to record and verify security seals, ballots cast, and the
 3823 number of voters who voted; and

3824 (ii) an official register or pollbook.

3825 (b) For each election, the election officer shall:

3826 (i) provide a copy of each form to each of those precincts using paper ballots; and

3827 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting
 3828 precincts using an automated voting system.

3829 (2) The election officer shall ensure that the [~~ballot disposition form contains~~] forms
 3830 described in Subsection (1)(a)(i) include:

3831 (a) a space for the judges to identify:

3832 [(a)] (i) the number of ballots voted;

3833 [(b) the number of substitute ballots voted, if any;]

3834 [(c) the number of ballots delivered to the voters;]

3835 [(d) the number of spoiled ballots;]

3836 [(e)] (ii) the number of registered voters listed in the official register or pollbook; and

3837 [(f)] (iii) the total number of voters voting according to the official register or

3838 pollbook; and

3839 (b) a certification, in substantially the following form:

3840 "We, the undersigned, judges of an election held at _____ voting precinct, in _____

3841 County, state of Utah, on _____ (month\day\year), having first been sworn according to

3842 law, certify that the information in this form is a true statement of the number and names of the

3843 individuals voting in the voting precinct at the election, and that the total number of individuals
3844 voting at the election was _____.

3845 _____

3846 _____

3847 _____

3848 Judges of Election".

3849 ~~[(g) the number of unused ballots;]~~

3850 ~~[(3) The election officer shall ensure that the total votes cast form contains:]~~

3851 ~~[(a) the name of each candidate appearing on the ballot, the office for which the~~

3852 ~~candidate is running, and a blank space for the election judges to record the number of votes~~

3853 ~~that the candidate received;]~~

3854 ~~[(b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6,~~

3855 ~~Municipal Alternate Voting Methods Pilot Project, the name of each candidate appearing on~~

3856 ~~the ballot, the office for which the candidate is running, and blank spaces for the election~~

3857 ~~judges to record the number of votes counted for each potential phase of the canvass;]~~

3858 ~~[(c) for each office, blank spaces for the election judges to record the names of write-in~~

3859 ~~candidates, if any, and a blank space for the election judges to record the number of votes that~~

3860 ~~the write-in candidate received;]~~

3861 ~~[(d) a heading identifying each ballot proposition and blank spaces for the election~~

3862 ~~judges to record the number of votes for and against each proposition; and]~~

3863 ~~[(e) a certification, in substantially the following form, to be signed by the judges when~~

3864 ~~they have completed the total votes cast form:]~~

3865 ~~["TOTAL VOTES CAST]~~

3866 ~~[At an election held at _____ in _____ voting precinct in _____(name of entity~~

3867 ~~holding the election) and State of Utah, on _____(month\day\year), the following named~~

3868 ~~persons received the number of votes annexed to their respective names for the following~~

3869 ~~described offices: Total number of votes cast were as follows:]~~

3870 ~~[Certified by us _____, _____, _____, Judges of Election."]~~

3871 ~~[(4) The election officer shall ensure that the tally sheet form contains:]~~

3872 ~~[(a) for each office, the names of the candidates for that office, and blank spaces to~~

3873 ~~tally the votes that each candidate receives;]~~

~~[(b) for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the name of each candidate for office and blank spaces to tally the number of valid votes counted for each candidate for each potential phase of the canvass;]~~

~~[(c) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;]~~

~~[(d) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and]~~

~~[(e) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:]~~

~~["Tally Sheet]~~

~~[We the undersigned election judges for voting precinct # _____, _____(entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____(date of election) and is a tally of the votes cast for each of those persons. Certified by us _____, _____, _____, Judges of Election."]~~

~~[(5)] (3) The election officer shall ensure that the official register or pollbook:~~

~~(a) identifies the voting precinct number on [its] the face of the official register or pollbook; and~~

~~(b) contains:~~

~~(i) a section to record [persons] individuals voting on election day[~~with columns~~ entitled "Ballot Number" and "Voter's Name"]; and~~

~~[(ii) another section in which to record absentee ballots;]~~

~~[(iii)] (ii) a section in which to record voters who are challenged[~~and~~].~~

~~[(iv) a certification, in substantially the following form:]~~

~~["We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on _____(month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total~~

3905 number of persons voting at the election was ____."]

3906 [_____]

3907 [_____]

3908 [_____]

3909 [Judges of Election]

3910 Section 86. Section **20A-5-405** is amended to read:

3911 **20A-5-405. Election officer to provide ballots.**

3912 (1) ~~[In jurisdictions using paper ballots, each]~~ An election officer shall:

3913 (a) provide ~~[printed official paper]~~ ballots ~~[and absentee ballots]~~ for every election of
3914 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
3915 participate;

3916 (b) cause the name of every candidate whose nomination has been certified to or filed
3917 with the election officer in the manner provided by law to be ~~[printed on each official paper~~
3918 ~~ballot and absentee]~~ included on each ballot;

3919 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
3920 be ~~[printed on each official paper ballot and absentee]~~ included on each ballot;

3921 (d) ensure that the ~~[official paper]~~ ballots are ~~[printed]~~ prepared and in the possession
3922 of the election officer before commencement of voting;

3923 ~~[(e) ensure that the absentee ballots are printed and in the possession of the election~~
3924 ~~officer with sufficient time before commencement of voting;]~~

3925 ~~[(f) cause any ballot proposition that has qualified for the ballot as provided by law to~~
3926 ~~be printed on each official paper ballot and absentee ballot;]~~

3927 ~~[(g)]~~ (e) allow candidates and their agents and the sponsors of ballot propositions that
3928 have qualified for the official ballot to inspect the ~~[official paper ballots and absentee]~~ ballots;

3929 ~~[(h)]~~ (f) cause sample ballots to be printed that are in the same form as official ~~[paper]~~
3930 ballots and that contain the same information as official ~~[paper]~~ ballots but that are printed on
3931 different colored paper than official ~~[paper]~~ ballots or are identified by a watermark;

3932 ~~[(i)]~~ (g) ensure that the sample ballots are printed and in the possession of the election
3933 officer at least seven days before commencement of voting;

3934 ~~[(j)]~~ (h) make the sample ballots available for public inspection by:

3935 (i) posting a copy of the sample ballot in the election officer's office at least seven days

3936 before commencement of voting;

3937 (ii) mailing a copy of the sample ballot to:

3938 (A) each candidate listed on the ballot; and

3939 (B) the lieutenant governor;

3940 (iii) publishing a copy of the sample ballot:

3941 (A) except as provided in Subsection ~~[(5)]~~ (2), at least seven days before the day of the

3942 election in a newspaper of general circulation in the jurisdiction holding the election;

3943 (B) if there is no newspaper of general circulation in the jurisdiction holding the

3944 election, at least seven days before the day of the election, by posting one copy of the sample

3945 ballot, and at least one additional copy of the sample ballot per 2,000 population of the

3946 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in

3947 the jurisdiction; or

3948 (C) at least 10 days before the day of the election, by mailing a copy of the sample

3949 ballot to each registered voter who resides in the jurisdiction holding the election;

3950 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created

3951 in Section 63F-1-701, for seven days before the day of the election;

3952 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at

3953 least seven days before the day of the election; and

3954 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least

3955 seven days before the day of the election;

3956 ~~[(k)]~~ (i) deliver at least five copies of the sample ballot to poll workers for each polling

3957 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3958 ~~[(h)]~~ (j) print and deliver, at the expense of the jurisdiction conducting the election,

3959 enough ~~[official paper ballots, absentee]~~ ballots, sample ballots, and ~~[instruction cards]~~

3960 instructions to meet the voting demands of the qualified voters in each voting precinct.

3961 ~~[(2) In jurisdictions using a punch card ballot, each election officer shall:]~~

3962 ~~[(a) provide official ballot sheets, absentee ballot sheets, and printed official ballot~~

3963 ~~labels for every election of public officers in which the voters, or any of the voters, within the~~

3964 ~~election officer's jurisdiction participate;]~~

3965 ~~[(b) cause the name of every candidate who filed with the election officer in the~~

3966 ~~manner provided by law or whose nomination has been certified to the election officer to be~~

3967 printed on each official ballot label;]

3968 ~~[(c) cause each ballot proposition that has qualified for the ballot as provided by law to~~

3969 ~~be printed on each official ballot label;]~~

3970 ~~[(d) ensure that the official ballot labels are printed and in the possession of the~~

3971 ~~election officer before the commencement of voting;]~~

3972 ~~[(e) ensure that the absentee ballots are printed and in the possession of the election~~

3973 ~~officer with sufficient time before commencement of voting;]~~

3974 ~~[(f) cause any ballot proposition that has qualified for the ballot as provided by law to~~

3975 ~~be printed on each official ballot label and absentee ballot;]~~

3976 ~~[(g) allow candidates and their agents and the sponsors of ballot propositions that have~~

3977 ~~qualified for the official sample ballot to inspect the official sample ballot;]~~

3978 ~~[(h) cause sample ballots to be printed that contain the same information as official~~

3979 ~~ballot labels but that are distinguishable from official ballot labels;]~~

3980 ~~[(i) ensure that the sample ballots are printed and in the possession of the election~~

3981 ~~officer at least seven days before commencement of voting;]~~

3982 ~~[(j) make the sample ballots available for public inspection by:]~~

3983 ~~[(i) posting a copy of the sample ballot in his office at least seven days before~~

3984 ~~commencement of voting;]~~

3985 ~~[(ii) mailing a copy of the sample ballot to:]~~

3986 ~~[(A) each candidate listed on the ballot; and]~~

3987 ~~[(B) the lieutenant governor;]~~

3988 ~~[(iii) publishing a copy of the sample ballot:]~~

3989 ~~[(A) except as provided in Subsection (5), at least seven days before the day of the~~

3990 ~~election in a newspaper of general circulation in the jurisdiction holding the election;]~~

3991 ~~[(B) if there is no newspaper of general circulation in the jurisdiction holding the~~

3992 ~~election, at least seven days before the day of the election, by posting one copy of the sample~~

3993 ~~ballot, and at least one additional copy of the sample ballot per 2,000 population of the~~

3994 ~~jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in~~

3995 ~~the jurisdiction; or]~~

3996 ~~[(C) at least 10 days before the day of the election, by mailing a copy of the sample~~

3997 ~~ballot to each registered voter who resides in the jurisdiction holding the election;]~~

3998 ~~[(iv) publishing a copy of the sample ballot on the Utah Public Notice Website created~~
3999 ~~in Section 63F-1-701, for seven days before the day of the election;]~~

4000 ~~[(v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at~~
4001 ~~least seven days before the day of the election; and]~~

4002 ~~[(vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least~~
4003 ~~seven days before the day of the election;]~~

4004 ~~[(k) deliver at least five copies of the sample ballot to poll workers for each polling~~
4005 ~~place and direct them to post the sample ballots as required by Section 20A-5-102; and]~~

4006 ~~[(l) print and deliver official ballot sheets, official ballot labels, sample ballots, and~~
4007 ~~instruction cards at the expense of the jurisdiction conducting the election.]~~

4008 ~~[(3) In jurisdictions using a ballot sheet other than a punch card, each election officer~~
4009 ~~shall:]~~

4010 ~~[(a) provide official ballot sheets and absentee ballot sheets for every election of public~~
4011 ~~officers in which the voters, or any of the voters, within the election officer's jurisdiction~~
4012 ~~participate;]~~

4013 ~~[(b) cause the name of every candidate who filed with the election officer in the~~
4014 ~~manner provided by law or whose nomination has been certified to or filed with the election~~
4015 ~~officer to be printed on each official ballot and absentee ballot;]~~

4016 ~~[(c) cause each ballot proposition that has qualified for the ballot as provided by law to~~
4017 ~~be printed on each official ballot and absentee ballot;]~~

4018 ~~[(d) ensure that the official ballots are printed and in the possession of the election~~
4019 ~~officer before commencement of voting;]~~

4020 ~~[(e) ensure that the absentee ballots are printed and in the possession of the election~~
4021 ~~officer with sufficient time before commencement of voting;]~~

4022 ~~[(f) cause any ballot proposition that has qualified for the ballot as provided by law to~~
4023 ~~be printed on each official ballot and absentee ballot;]~~

4024 ~~[(g) allow candidates and their agents and the sponsors of ballot propositions that have~~
4025 ~~qualified for the official sample ballot to inspect the official sample ballot;]~~

4026 ~~[(h) cause sample ballots to be printed that contain the same information as official~~
4027 ~~ballots but that are distinguishable from the official ballots;]~~

4028 ~~[(i) ensure that the sample ballots are printed and in the possession of the election~~

4029 officer at least seven days before commencement of voting;]

4030 ~~[(j) make the sample ballots available for public inspection by:]~~

4031 ~~[(i) posting a copy of the sample ballot in the election officer's office at least seven~~

4032 ~~days before commencement of voting;]~~

4033 ~~[(ii) mailing a copy of the sample ballot to:]~~

4034 ~~[(A) each candidate listed on the ballot; and]~~

4035 ~~[(B) the lieutenant governor;]~~

4036 ~~[(iii) publishing a copy of the sample ballot:]~~

4037 ~~[(A) except as provided in Subsection (5), at least seven days before the day of the~~

4038 ~~election in a newspaper of general circulation in the jurisdiction holding the election;]~~

4039 ~~[(B) if there is no newspaper of general circulation in the jurisdiction holding the~~

4040 ~~election, at least seven days before the day of the election, by posting one copy of the sample~~

4041 ~~ballot, and at least one additional copy of the sample ballot per 2,000 population of the~~

4042 ~~jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in~~

4043 ~~the jurisdiction; or]~~

4044 ~~[(C) at least 10 days before the day of the election, by mailing a copy of the sample~~

4045 ~~ballot to each registered voter who resides in the jurisdiction holding the election;]~~

4046 ~~[(iv) publishing a copy of the sample ballot on the Utah Public Notice Website created~~

4047 ~~in Section 63F-1-701, for seven days before the day of the election;]~~

4048 ~~[(v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at~~

4049 ~~least seven days before the day of the election; and]~~

4050 ~~[(vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least~~

4051 ~~seven days before the day of the election;]~~

4052 ~~[(k) deliver at least five copies of the sample ballot to poll workers for each polling~~

4053 ~~place and direct them to post the sample ballots as required by Section 20A-5-102; and]~~

4054 ~~[(l) print and deliver, at the expense of the jurisdiction conducting the election, enough~~

4055 ~~official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting~~

4056 ~~demands of the qualified voters in each voting precinct.]~~

4057 ~~[(4) In jurisdictions using electronic ballots, each election officer shall:]~~

4058 ~~[(a) provide official ballots for every election of public officers in which the voters, or~~

4059 ~~any of the voters, within the election officer's jurisdiction participate;]~~

~~[(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be displayed on each official ballot;]~~

~~[(c) cause each ballot proposition that has qualified for the ballot as provided by law to be displayed on each official ballot;]~~

~~[(d) ensure that the official ballots are prepared and in the possession of the election officer before commencement of voting;]~~

~~[(e) ensure that the absentee ballots are prepared and in the possession of the election officer with sufficient time before commencement of voting;]~~

~~[(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;]~~

~~[(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;]~~

~~[(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;]~~

~~[(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;]~~

~~[(j) make the sample ballots available for public inspection by:]~~

~~[(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;]~~

~~[(ii) mailing a copy of the sample ballot to:]~~

~~[(A) each candidate listed on the ballot; and]~~

~~[(B) the lieutenant governor;]~~

~~[(iii) publishing a copy of the sample ballot immediately before the election:]~~

~~[(A) except as provided in Subsection (5), at least seven days before the day of the election in a newspaper of general circulation in the jurisdiction holding the election;]~~

~~[(B) if there is no newspaper of general circulation in the jurisdiction holding the election, at least seven days before the day of the election, by posting one copy of the sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in the jurisdiction; or]~~

~~[(C) at least 10 days before the day of the election, by mailing a copy of the sample ballot to each registered voter who resides in the jurisdiction holding the election;]~~

~~[(iv) publishing a copy of the sample ballot on the Utah Public Notice Website created in Section 63F-1-701, for seven days before the day of the election;]~~

~~[(v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at least seven days before the day of the election; and]~~

~~[(vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least seven days before the day of the election;]~~

~~[(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and]~~

~~[(l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.]~~

~~[(5)]~~ (2) Instead of publishing the entire sample ballot under Subsection ~~[(1)(j)(iii)(A); (2)(j)(iii)(A), (3)(j)(iii)(A), or (4)(j)(iii)(A);]~~ (1)(h)(iii)(A), the election officer may publish a statement that:

(a) is entitled, "sample ballot";

(b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the upcoming [indicate type and date of election] may be obtained from the following sources:"; and

(c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:

(i) if the jurisdiction has a website, the jurisdiction's website;

(ii) the physical address of the jurisdiction's offices; and

(iii) a mailing address and telephone number.

~~[(6)]~~ (3) (a) Each election officer shall, without delay, correct any error discovered in any ~~[official paper ballot, ballot label, ballot sheet, electronic ballot, or sample]~~ ballot, if the correction can be made without interfering with the timely distribution of the ~~[paper ballots, ballot labels, ballot sheets, or electronic]~~ ballots.

(b) (i) If the election officer discovers an error or omission in a ~~[paper]~~ manual ballot, ~~[ballot label, or ballot sheet,]~~ and it is not possible to correct the error or omission ~~[by reprinting the paper ballots, ballot labels, or ballot sheets]~~, the election officer shall direct the

4122 poll workers to make the necessary corrections on the ~~[official paper]~~ manual ballots~~[-, ballot~~
 4123 ~~labels, or ballot sheets]~~ before ~~[they]~~ the ballots are distributed ~~[at the polls]~~.

4124 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
 4125 not possible to correct the error or omission by revising the electronic ballot, the election
 4126 officer shall direct the poll workers to post notice of each error or omission with instructions on
 4127 how to correct each error or omission in a prominent position at each polling booth.

4128 (c) (i) If the election officer refuses or fails to correct an error or omission in ~~[the paper~~
 4129 ~~ballots, ballot labels, ballot sheets, or electronic ballots;]~~ a ballot, a candidate or a candidate's
 4130 agent may file a verified petition with the district court asserting that:

4131 (A) an error or omission has occurred in:

4132 (I) the publication of the name or description of a candidate;

4133 (II) the preparation or display of an electronic ballot; or

4134 (III) in the printing of sample or official ~~[paper]~~ manual ballots~~[-, ballot labels, or ballot~~
 4135 ~~sheets];~~ and

4136 (B) the election officer has failed to correct or provide for the correction of the error or
 4137 omission.

4138 (ii) The district court shall issue an order requiring correction of any error in a ~~[paper~~
 4139 ~~ballot, ballot label, ballot sheet, or electronic]~~ ballot or an order to show cause why the error
 4140 should not be corrected if it appears to the court that the error or omission has occurred and the
 4141 election officer has failed to correct ~~[it or failed to provide for its correction]~~ or provide for the
 4142 correction of the error or omission.

4143 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
 4144 Supreme Court within five days after the ~~[decision of]~~ day on which the district court enters the
 4145 decision.

4146 Section 87. Section **20A-5-406** is amended to read:

4147 **20A-5-406. Delivery of ballots.**

4148 ~~[(1) In elections using paper ballots or ballot sheets:]~~

4149 ~~[(a) Each]~~ (1) An election officer shall deliver manual ballots to the poll workers of
 4150 each voting precinct in ~~[his]~~ the election officer's jurisdiction in an amount sufficient to meet
 4151 voting needs during the voting period.

4152 ~~[(b) The election officer shall:]~~

4153 ~~[(i) package and deliver the ballots to the election judges;]~~
4154 ~~[(ii) clearly mark the outside of the package with:]~~
4155 ~~[(A) the voting precinct and polling place for which it is intended; and]~~
4156 ~~[(B) the number of each type of ballots enclosed;]~~
4157 ~~[(iii) ensure that each package is delivered before commencement of voting to a poll~~
4158 ~~worker in each precinct; and]~~
4159 ~~[(iv) obtain a receipt for the ballots from the poll worker to whom they were delivered~~
4160 ~~that identifies the date and time when, and the manner in which, each ballot package was sent~~
4161 ~~and delivered.]~~
4162 ~~[(c) The election officer shall prepare substitute ballots in the form required by this~~
4163 ~~Subsection (1) if any poll worker reports that:]~~
4164 ~~[(i) the ballots were not delivered on time; or]~~
4165 ~~[(ii) after delivery, they were destroyed or stolen.]~~
4166 ~~[(d) The election officer shall:]~~
4167 ~~[(i) prepare the substitute ballots as nearly in the form prescribed for official ballots as~~
4168 ~~practicable;]~~
4169 ~~[(ii) cause the word "substitute" to be printed in brackets:]~~
4170 ~~[(A) for a ballot prepared by an election officer other than a county clerk, immediately~~
4171 ~~under the facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or]~~
4172 ~~[(B) for a ballot prepared by a county clerk, immediately under the words required by~~
4173 ~~Subsection 20A-6-301(1)(b)(iii);]~~
4174 ~~[(iii) place the ballots in two separate packages, each package containing 1/2 the ballots~~
4175 ~~sent to that voting precinct; and]~~
4176 ~~[(iv) place a signed statement in each package certifying that the substitute ballots~~
4177 ~~found in the package were prepared and furnished by the election officer, and that the original~~
4178 ~~ballots were not received, were destroyed, or were stolen:]~~
4179 (2) ~~[In elections using electronic]~~ For mechanical ballots~~[(a) Each], an~~ election
4180 officer shall:
4181 ~~[(i)]~~ (a) deliver the voting devices and ~~[electronic]~~ mechanical ballots ~~[prior to the~~
4182 ~~commencement of]~~ before voting commences at the polling place;
4183 ~~[(ii)]~~ (b) ensure that the voting devices, equipment, and ~~[electronic]~~ mechanical ballots

4184 are properly secured before commencement of voting; ~~[and]~~

4185 ~~[(iii)]~~ (c) when ~~[electronic]~~ mechanical ballots or voting devices containing ~~[electronic]~~

4186 mechanical ballots are delivered to a ~~[poll worker, obtain a receipt from the poll worker to~~

4187 ~~whom they were delivered that identifies: (A) the name of the poll worker receiving delivery;~~

4188 ~~and (B) the date and time when the ballots or voting devices containing the electronic ballots~~

4189 ~~were delivered. (b) The election officer shall]~~ polling location, ensure that security procedures,

4190 developed by the election officer, are followed to document chain of custody and to prevent

4191 unauthorized access; and

4192 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if

4193 available, if any poll worker reports that:

4194 (i) the voting devices or equipment were not delivered on time;

4195 (ii) the voting devices or equipment do not contain the appropriate electronic ballot

4196 information;

4197 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to

4198 have been tampered with;

4199 (iv) the voting devices or equipment do not appear to be functioning properly; or

4200 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed

4201 or stolen.

4202 ~~[(c) If the election officer is unable to prepare and provide substitute voting devices,~~

4203 ~~equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot~~

4204 ~~sheets according to the requirements of Subsection (1).]~~

4205 Section 88. Section **20A-5-407** is amended to read:

4206 **20A-5-407. Election officer to provide ballot boxes.**

4207 (1) Except as provided in Subsection (3), ~~[each]~~ an election officer shall:

4208 (a) provide one ballot box with a lock and key for each polling place; and

4209 (b) deliver the ballot boxes, locks, and keys to the polling place ~~[or the election judges~~

4210 ~~of each voting precinct no later than noon on the day before the election]~~ before the polls open.

4211 (2) ~~[Election officers for municipalities and local districts]~~ An election officer for a

4212 municipality or local district may obtain ballot boxes from the county clerk's office.

4213 (3) If locks and keys are unavailable, the election officer shall ensure that the ballot

4214 box lid ~~[shall be]~~ is secured by tape.

Section 89. Section **20A-5-408** is amended to read:

20A-5-408. Disposition of election returns.

(1) Each election officer shall produce the packages containing the election returns before the board of canvassers.

(2) As soon as the returns are canvassed, the election officer shall file the [~~pollbook, lists;~~] election returns and papers produced before the board as required by Section 20A-4-202.

Section 90. Section **20A-5-410**, which is renumbered from Section 20A-3-304.1 is renumbered and amended to read:

~~[20A-3-304.1].~~ **20A-5-410. Election officer to provide voting history information and status.**

(1) As used in this section[: (a) "~~Qualified absentee ballot application~~" means an ~~absentee ballot application filed under Section 20A-3-304 from a voter who the election officer determines is eligible to receive an absentee ballot.~~ (b) "~~Voting~~], "voting history record" means the information about the existence and status of absentee ballot requests required by this section.

(2) (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters [~~that have cast a vote by:~~] registered to vote in the election officer's jurisdiction.

~~[(i) absentee ballot; and]~~

~~[(ii) early voting;]~~

(b) [~~The~~] Except as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3) The election officer shall ensure that the voting history record for each voting precinct contains:

(a) for [~~absentee~~] voting by mail:

~~[(i) the name and address of each person who has filed a qualified absentee ballot application;]~~

~~[(ii) the date that the application was received; and]~~

~~[(iii) the current status of each qualified absentee ballot application including specifically:]~~

4246 ~~[(A)]~~ (i) the date that the ~~[absentee]~~ manual ballot was mailed to the voter; and

4247 ~~[(B)]~~ (ii) the date that the voted ~~[absentee]~~ manual ballot was received by the election

4248 officer; ~~[and]~~

4249 (b) for early voting:

4250 (i) the name and address of each ~~[person who has voted during the early voting period]~~

4251 individual who participated in early voting; and

4252 (ii) the date the ~~[person's vote was cast:]~~ individual voted; and

4253 (c) for voting on election day, the name and address of each individual who voted on

4254 election day.

4255 (4) (a) Notwithstanding the time limits for response to a request for records under

4256 Section 63G-2-204 or the time limits for a request for records established in any ordinance, the

4257 election officer shall ensure that the information required by this section is recorded and made

4258 available to the public no later than one business day after its receipt in the election officer's

4259 office.

4260 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements

4261 established in any ordinance, the election officer shall make copies of the voting history record

4262 available to the public for the actual cost of production or copying.

4263 Section 91. Section **20A-5-601** is amended to read:

4264 **20A-5-601. Appointment of poll workers in elections where candidates are**

4265 **distinguished by registered political parties.**

4266 (1) (a) ~~[By]~~ This section governs appointment of poll workers in elections where

4267 candidates are distinguished by registered political parties.

4268 (b) On or before March 1 of each even-numbered year, ~~[each county clerk]~~ an election

4269 officer shall provide to the county chair of each registered political party a list of the number of

4270 poll workers that the party must nominate for each ~~[voting precinct]~~ polling place.

4271 ~~[(b)-(i)]~~ (c) ~~[By]~~ On or before April 1 of each even-numbered year, the county chair

4272 and secretary of each registered political party shall file a list with the ~~[county clerk containing,~~

4273 ~~for each voting precinct,]~~ election officer containing the names of individuals in the county

4274 who are willing to serve as poll workers, who are qualified to serve as poll workers in

4275 accordance with this section, and who are competent and trustworthy.

4276 ~~[(ii)]~~ (d) The county chair and secretary shall submit~~[, for each voting precinct,]~~ names

4277 equal in number to the number required by the ~~[county clerk]~~ election officer, plus one.

4278 (2) Each ~~[county legislative body]~~ election officer shall provide for the appointment of
4279 individuals to serve as poll workers at ~~[the regular primary election, the regular general~~
4280 ~~election, the presidential primary election, and a statewide or countywide special]~~ each
4281 election.

4282 (3) (a) For ~~[regular general elections and statewide or countywide special elections]~~
4283 each election, each ~~[county legislative body]~~ election officer shall provide for the appointment
4284 of ~~[(a) (i)]~~ at least three registered voters, or one individual who is 16 or 17 years of age and
4285 two registered voters, one of whom is at least 21 years of age, from the list to serve as poll
4286 workers ~~[receiving judges for each voting precinct when ballots will be counted after the polls~~
4287 ~~close, or].~~

4288 (b) An election officer may appoint additional poll workers, as needed.

4289 ~~[(ii) three registered voters, or one individual who is 16 or 17 years of age and two~~
4290 ~~registered voters, one of whom is at least 21 years of age, from the list to serve as receiving~~
4291 ~~judges in each voting precinct and three registered voters from the list to serve as counting~~
4292 ~~judges in each voting precinct when ballots will be counted throughout election day; and]~~

4293 ~~[(b) three registered voters from the list for each 100 absentee ballots to be counted to~~
4294 ~~serve as canvassing judges.]~~

4295 ~~[(4) For each precinct in which ballots are counted after the polls close in a regular~~
4296 ~~primary election or presidential primary election, each county legislative body shall provide for~~
4297 ~~the appointment of two or three individuals from the list to serve as receiving judges.]~~

4298 ~~[(a) each of whom is a registered voter; or]~~

4299 ~~[(b) (i) the first of whom is a registered voter and is at least 21 years of age;]~~

4300 ~~[(ii) the second of whom is 16 or 17 years of age; and]~~

4301 ~~[(iii) if three individuals are appointed, the third of whom is a registered voter.]~~

4302 ~~[(5) For each precinct in which ballots are counted throughout election day in a regular~~
4303 ~~primary election or presidential primary election, each county legislative body shall provide for~~
4304 ~~the appointment of:]~~

4305 ~~[(a) two or three individuals from the list to serve as receiving judges:]~~

4306 ~~[(i) each of whom is a registered voter; or]~~

4307 ~~[(ii) (A) the first of whom is a registered voter and is at least 21 years of age;]~~

4308 ~~[(B) the second of whom is 16 or 17 years of age; and]~~
 4309 ~~[(C) if three individuals are appointed, the third of whom is a registered voter; and]~~
 4310 ~~[(b) two or three individuals from the list to serve as counting judges:]~~
 4311 ~~[(i) each of whom is a registered voter; or]~~
 4312 ~~[(ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the~~
 4313 ~~next regular general election; and]~~
 4314 ~~[(B) each of the rest of whom is a registered voter; and]~~
 4315 ~~[(c) two or three registered voters, or one or two registered voters and one individual~~
 4316 ~~17 years of age who will be 18 years of age by the date of the next regular general election,~~
 4317 ~~from the list for each 100 absentee ballots to be counted to serve as canvassing judges:]~~
 4318 ~~[(6) Each county legislative body may provide for the appointment of:]~~
 4319 ~~[(a) three registered voters from the list to serve as inspecting judges at the regular~~
 4320 ~~general election, or a statewide or countywide special election, to observe the clerk's receipt~~
 4321 ~~and deposit of the ballots for safekeeping; and]~~
 4322 ~~[(b) two or three registered voters, or one or two registered voters and one individual~~
 4323 ~~17 years of age who will be 18 years of age by the date of the next regular general election,~~
 4324 ~~from the list to serve as inspecting judges at the regular primary election to observe the clerk's~~
 4325 ~~receipt and deposit of the ballots for safekeeping:]~~
 4326 ~~[(7)-(a)]~~ (4) For each set of three ~~[counting or receiving judges to be appointed for each~~
 4327 ~~voting precinct for the regular primary election, the regular general election, the presidential~~
 4328 ~~primary election, or a statewide or countywide special]~~ poll workers appointed for a polling
 4329 place for an election, the ~~[county legislative body]~~ election officer shall ensure that:
 4330 (i) two ~~[judges]~~ poll workers are appointed from the political party that cast the highest
 4331 number of votes for governor, lieutenant governor, attorney general, state auditor, and state
 4332 treasurer, excluding votes for unopposed candidates, in the ~~[voting precinct]~~ jurisdiction
 4333 holding the election at the last regular general election before the appointment of the ~~[election~~
 4334 ~~judges]~~ poll workers; and
 4335 (ii) one ~~[judge]~~ poll worker is appointed from the political party that cast the second
 4336 highest number of votes for governor, lieutenant governor, attorney general, state auditor, and
 4337 state treasurer, excluding votes for unopposed candidates, in the ~~[voting precinct]~~ county, city,
 4338 or local district, as applicable, at the last regular general election before the appointment of the

4339 [election judges] poll workers.

4340 [(b) For each set of two counting or receiving judges to be appointed for each voting
4341 precinct for the regular primary election and the presidential primary election, the county
4342 legislative body shall ensure that:]

4343 [(i) one judge is appointed from the political party that cast the highest number of votes
4344 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding
4345 votes for unopposed candidates, in the voting precinct at the last regular general election before
4346 the appointment of the election judges; and]

4347 [(ii) one judge is appointed from the political party that cast the second highest number
4348 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
4349 excluding votes for unopposed candidates, in the voting precinct at the last regular general
4350 election before the appointment of the election judges:]

4351 [(8) When the voting precinct boundaries have been changed since the last regular
4352 general election, the county legislative body shall ensure that:]

4353 [(a) for the regular primary election and the presidential primary election, when the
4354 county legislative body is using three receiving, counting, and canvassing judges, and regular
4355 general election, not more than two of the judges are selected from the political party that cast
4356 the highest number of votes for the offices of governor, lieutenant governor, attorney general,
4357 state auditor, and state treasurer in the territory that formed the voting precinct at the time of
4358 appointment; and]

4359 [(b) for the regular primary election and the presidential primary election, when the
4360 county legislative body is using two receiving, counting, and canvassing judges, not more than
4361 one of the judges is selected from the political party that cast the highest number of votes for
4362 the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer
4363 in the territory that formed the voting precinct at the time of appointment:]

4364 [(9)] (5) The [county legislative body] election officer shall provide for the
4365 appointment of any qualified county voter as [an election judge] a poll worker when:

- 4366 (a) a political party fails to file the poll worker list by the filing deadline; or
4367 (b) the list is incomplete.

4368 [(10)] (6) A registered voter of the county may serve as a poll worker [in any voting
4369 precinct of] at any polling location in the county, municipality, or district, as applicable.

~~[(11)]~~ (7) ~~[A county legislative body]~~ An election officer may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a ~~[precinct]~~ polling place where the candidate appears on the ballot.

~~[(12)]~~ If an individual serves as a poll worker outside the voting precinct where the individual is registered, that individual may vote an absentee voter ballot.]

~~[(13)]~~ (8) The ~~[county clerk]~~ election officer shall fill all poll worker vacancies.

~~[(14)]~~ (9) If a conflict arises over the right to certify the poll worker lists for any political party, the ~~[county legislative body]~~ election officer may decide between conflicting lists, but may only select names from a properly submitted list.

~~[(15)]~~ (10) The ~~[county legislative body]~~ clerk shall establish compensation for poll workers.

~~[(16)]~~ (11) The ~~[county clerk]~~ election officer may appoint additional poll workers to serve in the polling place as needed.

Section 92. Section **20A-5-602** is amended to read:

20A-5-602. Appointment of poll workers in elections where candidates are not distinguished by registered political parties.

(1) (a) This section governs appointment of poll workers in elections where candidates are not distinguished by registered political parties.

~~[(1)]~~ (b) ~~[A county legislative body, a municipal legislative body, or a local district board appointing, or providing for the appointment of, a poll worker for a local election under this section]~~ An election officer shall appoint the poll worker at least 15 days before the date of the local election.

(2) (a) ~~[For each precinct that uses a paper ballot, and where the ballots are counted after the polls close, the county legislative body, the municipal legislative body, or the local district board]~~ The election officer shall appoint, or provide for the appointment of, ~~[three individuals who reside within the county to serve as poll workers]~~ at least three poll workers as follows:

(i) three registered voters; or

(ii) two registered voters, one of whom is at least 21 years-old, and one individual who is 16 or 17 years-old.

4401 (b) The election officer may appoint additional poll workers to serve in the polling
4402 place as needed.

4403 ~~[(a) each of whom is a registered voter; or]~~
4404 ~~[(b) (i) the first of whom is a registered voter;]~~
4405 ~~[(ii) the second of whom is a registered voter and is at least 21 years of age; and]~~
4406 ~~[(iii) the third of whom is 16 or 17 years of age.]~~
4407 ~~[(3) For each precinct that uses a paper ballot, and where the ballots are counted~~
4408 ~~throughout the day, the county legislative body, the municipal legislative body, or the local~~
4409 ~~district board shall appoint, or provide for the appointment of:]~~

4410 ~~[(a) three individuals who reside within the county to serve as receiving judges:]~~
4411 ~~[(i) each of whom is a registered voter; or]~~
4412 ~~[(ii) (A) the first of whom is a registered voter;]~~
4413 ~~[(B) the second of whom is a registered voter and is at least 21 years of age; and]~~
4414 ~~[(C) the third of whom is 16 or 17 years of age; and]~~
4415 ~~[(b) three individuals who reside within the county to serve as counting judges:]~~
4416 ~~[(i) each of whom is a registered voter; or]~~
4417 ~~[(ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the~~
4418 ~~next local election; and]~~

4419 ~~[(B) each of the rest of whom is a registered voter.]~~
4420 ~~[(4) For each precinct using automated tabulating equipment, the county legislative~~
4421 ~~body, the municipal legislative body, or the local district board shall appoint, or provide for the~~
4422 ~~appointment of, three individuals who reside within the county to serve as poll workers:]~~

4423 ~~[(a) each of whom is a registered voter; or]~~
4424 ~~[(b) (i) the first of whom is a registered voter;]~~
4425 ~~[(ii) the second of whom is a registered voter and is at least 21 years of age; and]~~
4426 ~~[(iii) the third of whom is 16 or 17 years of age.]~~
4427 ~~[(5) For each precinct using voting machines, the county legislative body, the~~
4428 ~~municipal legislative body, or the local district board shall appoint, or provide for the~~
4429 ~~appointment of, four individuals who reside within the county to serve as poll workers:]~~

4430 ~~[(a) each of whom is a registered voter; or]~~
4431 ~~[(b) (i) the first of whom is a registered voter and is at least 21 years of age;]~~

4432 ~~[(ii) the second of whom is 16 or 17 years of age; and]~~

4433 ~~[(iii) each of the rest of whom is a registered voter.]~~

4434 ~~[(6) In all jurisdictions, the county legislative body, the municipal legislative body, or~~
 4435 ~~the local district board shall appoint, or provide for the appointment of:]~~

4436 ~~[(a) at least one registered voter who resides within the county to serve as canvassing~~
 4437 ~~judge, if necessary; and]~~

4438 ~~[(b) as many alternate poll workers as needed to replace appointed poll workers who~~
 4439 ~~are unable to serve:]~~

4440 ~~[(7)]~~ (3) The ~~[county legislative body, the municipal legislative body, and the local~~
 4441 ~~district board]~~ election officer may not appoint any candidate's parent, sibling, spouse, child,
 4442 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
 4443 serve as a poll worker ~~[in a precinct]~~ at a polling place where the candidate appears on the
 4444 ballot.

4445 ~~[(8) The clerk shall:]~~

4446 ~~[(a) prepare and file a list containing the name, address, voting precinct, and telephone~~
 4447 ~~number of each individual appointed; and]~~

4448 ~~[(b) make the list available in the clerk's office for inspection, examination, and~~
 4449 ~~copying during business hours:]~~

4450 ~~[(9)]~~ (4) (a) The ~~[county legislative body, the municipal legislative body, and the local~~
 4451 ~~district board]~~ clerk shall compensate poll workers for their services.

4452 (b) The ~~[municipal legislative body and local district board]~~ clerk of a municipality or
 4453 local district may not compensate ~~[their]~~ poll workers at a rate higher than that paid by the
 4454 county to ~~[its]~~ the county's poll workers.

4455 Section 93. Section **20A-5-603** is amended to read:

4456 **20A-5-603. Vacancies -- Removal of poll workers.**

4457 (1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall
 4458 immediately notify the election officer, who shall fill the vacancy as provided in this section.

4459 (b) The election officer may fill a vacancy occurring under this section by appointing
 4460 the alternate to serve or, if that is impossible, by appointing some other qualified person to fill
 4461 the vacancy.

4462 (2) The election officer shall summarily remove any poll worker who:

- (a) neglects [his] the poll worker's duty;
- (b) commits or encourages fraud in connection with any election;
- (c) violates any election law;
- (d) knowingly permits any person to violate any election law;
- (e) has been convicted of a felony;
- (f) commits any act that interferes or tends to interfere with a fair and honest election;

or

- (g) is incapable of performing the duties of a poll worker.

Section 94. Section **20A-5-605** is amended to read:

20A-5-605. Duties of poll workers.

- (1) Poll workers shall:

- (a) arrive at the polling place at a time determined by the election officer; and
- (b) remain until the official election returns are prepared for delivery.

- (2) The election officer may designate~~[:]~~ the title and duties of each poll worker.

~~[(a) certain poll workers to act as election judges;]~~

~~[(b) an election judge to act as the presiding election judge; and]~~

~~[(c) certain poll workers to act as clerks.]~~

- (3) Upon ~~[their arrival]~~ arriving to open the polls, the poll workers shall:

~~[(a) if the election officer has not designated which poll workers at a polling place are assigned to act as election judges, as presiding election judge, or as clerks;]~~

~~[(i) designate two poll workers to act as election judges as necessary;]~~

~~[(ii) determine which election judge shall preside as necessary; and]~~

~~[(iii) determine which poll workers shall act as clerks as necessary;]~~

~~[(b) select two or more of their number to deliver the election returns to the election officer or to the place that the election officer designates;]~~

~~[(c)]~~ (a) display the United States flag;

~~[(d)]~~ (b) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;

~~[(e)]~~ (c) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;

~~[(f) for paper ballots and ballot sheets, open the ballot packages in the presence of all~~

4494 ~~the poll workers;~~

4495 ~~[(g)]~~ (d) check the ballots, supplies, records, and forms;

4496 ~~[(h)]~~ (e) if directed ~~[to do so]~~ by the election officer:

4497 (i) make any necessary corrections to the official ballots before ~~[they]~~ the ballots are

4498 distributed at the polls; and

4499 (ii) post any necessary notice of errors in ~~[electronic]~~ ballots before voting commences;

4500 ~~[(i)]~~ (iii) post the sample ballots, instructions to voters, and constitutional amendments,

4501 if any; ~~[and]~~

4502 ~~[(j)]~~ (f) open the ballot box in the presence of those assembled, turn ~~[it]~~ the ballot box

4503 upside down to empty ~~[it]~~ the ballot box of anything~~[-and then-]; and~~

4504 (g) immediately before the polls open, lock ~~[it-]~~ the ballot box or, if locks and keys are

4505 not available, tape ~~[it]~~ the ballot box securely.

4506 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or

4507 refuses to act:

4508 (i) at least six qualified electors ~~[from the voting precinct]~~ who are present at the

4509 polling place at the hour designated by law for the opening of the polls shall fill the vacancy by

4510 appointing another qualified ~~[person]~~ individual from the voting precinct who is a member of

4511 the same political party as the poll worker who is being replaced to act as a poll worker; or

4512 (ii) the election officer shall appoint a qualified ~~[person]~~ individual to act as a poll

4513 worker.

4514 (b) If a majority of the poll workers are present, ~~[they]~~ the poll workers shall open the

4515 polls, even though a poll worker has not arrived.

4516 (5) (a) If it is impossible or inconvenient to hold an election at the polling place

4517 designated, the poll workers, after having assembled at or as near as practicable to the

4518 designated place, and before receiving any vote, may move to the nearest convenient place for

4519 holding the election.

4520 (b) If the poll workers move to a new polling place, ~~[they]~~ the poll workers shall

4521 display a proclamation of the change and station a peace officer or some other proper ~~[person]~~

4522 individual at the original polling place to notify voters of the location of the new polling place.

4523 ~~[(6) If the poll workers who receive delivery of the ballots produce packages of~~

4524 ~~substitute ballots accompanied by a written and sworn statement of the election officer that the~~

ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll workers shall use those substitute ballots as the official election ballots.]

(6) If, for any reason, [none of] the official [or substitute] ballots are not ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until [substitutes prepared by the election officer are printed and delivered] the election officer provides additional ballots.

(7) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3a-602.

(8) (a) The poll workers shall comply with the voting procedures and requirements of Chapter 3, Voting, in allowing people to vote.

(b) The poll workers may not allow [any person] an individual, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, [and] or the ballot box.

(c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, [and] or the ballot box.

(d) If necessary, the poll workers shall instruct each voter [about] permitted to use a voting device how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Section 95. Section **20A-5-801** is amended to read:

20A-5-801. Definitions.

As used in this part:

(1) "New voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.

(2) "Voting equipment" means the following equipment used for an election:

- 4556 (a) automatic tabulating equipment;
 4557 [~~(b) an electronic voting system;~~]
 4558 [~~(c)~~] (b) a voting device; or
 4559 [~~(d)~~] (c) a voting machine.

4560 Section 96. Section **20A-5-804** is amended to read:

4561 **20A-5-804. Voting Equipment Grant Program -- Qualifications for receipt --**
 4562 **Matching funds -- Acceptable uses.**

4563 (1) As used in this section:

- 4564 (a) "Program" means the Voting Equipment Grant Program created in this section.
 4565 (b) "Proportional reimbursement rate" means the dollar amount equal to the product of:
 4566 (i) the total amount of funds appropriated by the Legislature to the program; and
 4567 (ii) the quotient of:
 4568 (A) the total number of active voters in a county; and
 4569 (B) the total number of registered voters in the state.

4570 (2) (a) There is created the Voting Equipment Grant Program as a grant program to
 4571 assist counties in purchasing new voting equipment systems.

4572 (b) The lieutenant governor shall administer the program using funds appropriated by
 4573 the Legislature for the purpose of administering the program.

4574 (3) (a) After January 1, 2018, a county may submit a proposal to the Office of the
 4575 Lieutenant Governor to participate in and receive funds from the program.

4576 (b) A proposal described in Subsection (3)(a) shall:

- 4577 (i) describe the current condition of the voting equipment used by the county;
 4578 (ii) describe the county's need for a new voting equipment system;
 4579 (iii) describe how the county plans to comply with the requirements described in

4580 Subsection (4), including:

4581 (A) a description of how the county plans to provide the matching funds described in
 4582 Subsection (4)(b) if the proposal is accepted; and

4583 (B) a schedule by which the requirements will be met; and

4584 (iv) contain a detailed estimate of the gross cost of procuring a new voting equipment
 4585 system.

4586 (4) A county that receives funds through a program grant:

4587 (a) shall use the funds to purchase a new voting equipment system that:
4588 (i) meets the requirements of Section 20A-5-802;
4589 (ii) creates a secure and auditable paper record of each vote; and
4590 (iii) complies with any additional binding requirement made under Subsection
4591 20A-5-803(8) by the Voting Equipment Selection Committee;
4592 (b) shall, for the purpose of purchasing a new voting equipment system, appropriate
4593 matching funds equal to or greater than the difference of:
4594 (i) the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant
4595 governor accepts under Subsection (6)(b); and
4596 (ii) the amount the lieutenant governor is required to disburse to the county under
4597 Subsection (7)(a);
4598 (c) may not use funds disbursed under Subsection (6)(b)(i)(D) or appropriated under
4599 Subsection (4)(b) for a purpose or in a manner that is not authorized by this section;
4600 (d) except as provided in Subsection (5), may not, after using a new voting equipment
4601 system in an election that was purchased under this section, use voting equipment that does not
4602 meet the requirements described in Subsection (4)(a); and
4603 (e) shall purchase a new voting equipment system described under Subsection (4)(a)
4604 that provides the best value to the county with consideration for the new voting equipment
4605 system's:
4606 (i) cost of maintenance;
4607 (ii) estimated operational lifetime; and
4608 (iii) cost of replacement.
4609 (5) A county that receives funds through the program may use voting equipment that
4610 does not comply with the requirements described in Subsection (4)(a)(ii) or (iii):
4611 (a) to the extent that using the voting equipment is necessary to accommodate a person
4612 with a disability in accordance with the requirements described in Subsection
4613 ~~[20A-3-302(6)(b), 20A-3-603(1)(c)]~~ 20A-3a-202(8)(b), 20A-3a-603(1)(c), 20A-5-303(8), or
4614 20A-5-403(2)(b)(iii); or
4615 (b) if the county purchased the voting equipment before receiving grant funds under
4616 Subsection (7)(a).
4617 (6) Upon receipt of a proposal described in Subsection (3), the lieutenant governor

4618 shall:

4619 (a) review the proposal to ensure that:

4620 (i) the proposal complies with the requirements described in Subsection (3); and

4621 (ii) the cost estimate described in Subsection (3)(b)(iv) appears to be reasonable; and

4622 (b) (i) if the proposal complies with the requirements described in Subsection (3), the
4623 cost estimate appears to be reasonably accurate, and sufficient program funds are available:

4624 (A) accept the proposal;

4625 (B) notify the county clerk of the county that submitted the proposal that the proposal
4626 is accepted;

4627 (C) notify the county clerk of the requirements described in Subsection (7); and

4628 (D) disburse the funds described in Subsection (7)(a), in accordance with the
4629 requirements described in Subsection (7)(b), to the county that submitted the proposal; or

4630 (ii) if the proposal does not comply with the requirements described in Subsection (3),
4631 the cost estimate does not appear to be reasonable, or sufficient program funds are not
4632 available:

4633 (A) reject the proposal; and

4634 (B) notify the county clerk of the county that submitted the proposal that the proposal
4635 is rejected, indicating the reason that the proposal is rejected.

4636 (7) The lieutenant governor:

4637 (a) shall disburse funds under Subsection (6)(b)(i)(D) equal to the lesser of:

4638 (i) 50% of the amount described in Subsection (3)(b)(iv) in the proposal that the
4639 lieutenant governor accepts under Subsection (6)(b); or

4640 (ii) the proportional reimbursement rate; and

4641 (b) may not disburse funds under Subsection (6)(b)(i)(D):

4642 (i) until the county appropriates the matching funds described in Subsection (4)(b); or

4643 (ii) if the disbursement would cause the county's total receipt of funds from the
4644 program to exceed the proportional reimbursement rate.

4645 Section 97. Section **20A-6-101** is amended to read:

4646 **20A-6-101. General requirements for manual ballots.**

4647 (1) [~~Each~~] An election officer shall ensure that [~~paper~~] manual ballots:

4648 (a) are printed using precisely the same quality and tint of plain white paper through

which the printing or writing cannot be seen;

(b) are printed using precisely the same quality and kind of type;

(c) are printed using precisely the same quality and tint of plain black ink;

(d) are uniform in size for all the voting precincts within the election officer's jurisdiction; and

(e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, a space for a write-in candidate immediately following the last candidate listed on that ticket.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Section 98. Section **20A-6-102** is amended to read:

20A-6-102. General requirements for machine counted ballots.

(1) ~~[Each]~~ An election officer shall ensure that ballots ~~[and ballot labels]~~ are printed:

(a) to a size and arrangement that fits the construction of the ~~[voting]~~ ballot counting device; and

(b) in plain, clear type in black ink on clear white stock; or

(c) in plain, clear type in black ink on stock of different colors if it is necessary to:

(i) identify different ballots or parts of the ballot; or

(ii) differentiate between political parties.

~~[(2) Each election officer shall ensure that ballot sheets are of a size, design, and stock suitable for processing by automatic data processing machines.]~~

~~[(3)]~~ (2) For a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, the election officer shall include a space on the ticket for a write-in candidate immediately following the last candidate listed on that ticket.

~~[(4)]~~ (3) Notwithstanding any other provisions of this section, the election officer may authorize any ballots that are to be counted by means of electronic or electromechanical devices to be printed to a size, layout, texture, and in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 99. Section **20A-6-105** is amended to read:

4680 **20A-6-105. Provisional ballot envelopes.**

4681 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
4682 substantially the following form:

4683 "AFFIRMATION

4684 Are you a citizen of the United States of America? Yes No

4685 Will you be 18 years old on or before election day? Yes No

4686 If you checked "no" in response to either of the two above questions, do not complete this
4687 form.

4688 Name of Voter _____

4689	First	Middle	Last
------	-------	--------	------

4690 Driver License or Identification Card Number _____

4691 State of Issuance of Driver License or Identification Card Number _____

4692 Date of Birth _____

4693 Street Address of Principal Place of Residence

4695	City	County	State	Zip Code
------	------	--------	-------	----------

4696 Telephone Number (optional) _____

4697 Last four digits of Social Security Number _____

4698 Last former address at which I was registered to vote (if known)

4700	City	County	State	Zip Code
------	------	--------	-------	----------

4701 Voting Precinct (if known)

4702 _____

4703 I, (please print your full name)_____do solemnly swear or
4704 affirm:

4705 That I am eligible to vote in this election; that I have not voted in this election in any
4706 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to
4707 vote in this precinct; and

4708 Subject to penalty of law for false statements, that the information contained in this
4709 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the
4710 above address; and that I am at least 18 years old and have resided in Utah for the 30 days

4711 immediately before this election.

4712 Signed _____

4713 Dated _____

4714 In accordance with Section [~~20A-3-506~~] 20A-3a-506, wilfully providing false
4715 information above is a class B misdemeanor under Utah law and is punishable by
4716 imprisonment and by fine."

4717 "The portion of your voter registration form that lists your driver license or
4718 identification card number, social security number, and email address, and the day of your
4719 month of birth, is a private record. The portion of your voter registration form that lists your
4720 month and year of birth is a private record, the use of which is restricted to government
4721 officials, government employees, political parties, or certain other persons.

4722 You may apply to the lieutenant governor or your county clerk to have your entire voter
4723 registration record classified as private."

4724 "CITIZENSHIP AFFIDAVIT

4725 Name:

4726 Name at birth, if different:

4727 Place of birth:

4728 Date of birth:

4729 Date and place of naturalization (if applicable):

4730 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
4731 citizen and that to the best of my knowledge and belief the information above is true and
4732 correct.

4733 _____

4734 Signature of Applicant

4735 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
4736 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
4737 up to one year in jail and a fine of up to \$2,500.".

4738 (2) The provisional ballot envelope shall include:

4739 (a) a unique number;

4740 (b) a detachable part that includes the unique number; and

4741 (c) a telephone number, internet address, or other indicator of a means, in accordance

with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

Section 100. Section **20A-6-203** is amended to read:

20A-6-203. Ballots for regular primary elections.

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop [~~paper ballots, ballot labels, ballot sheets, and electronic~~] ballots to be used in Utah's regular primary election;

(b) ensure that the [~~paper ballots, ballot labels, ballot sheets, and electronic~~] ballots comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section; and

(c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

(2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the [~~paper ballots, ballot labels, ballot sheets, electronic~~] ballots, [~~and~~] voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are authorized to vote for a party's candidate;

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

(i) mark [~~pre-punch, or otherwise identify~~] ballots [~~and ballot sheets~~] as being for a particular registered political party; and

(ii) instruct [~~persons~~] individuals counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

Section 101. Section **20A-6-301** is amended to read:

20A-6-301. Manual ballots -- Regular general election.

(1) Each election officer shall ensure that:

(a) all ~~[paper]~~ manual ballots furnished for use at the regular general election contain:

(i) no captions or other endorsements except as provided in this section;

(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and

(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5).

(b) ~~[immediately below the perforated ballot stub]~~ at the top of the ballot, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) the words "certified by the Clerk of _____ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;

(c) the party name or title is printed in capital letters not less than one-fourth of an inch high;

(d) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title, and with a mark referencing the following statement at the bottom of the ticket: "This candidate is not affiliated with, or does not qualify to be listed on the ballot as affiliated with, a political party.";

(e) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(f) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(g) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and

(h) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:

(i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

(ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.

(2) ~~[Each]~~ An election officer shall ensure that:

(a) each ~~[person]~~ individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other ~~[person]~~ individual, is placed on the ballot:

(i) under the registered political party's name, if any; or

(ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for up to ____ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are

4835 candidates;

4836 (e) the names in each group are placed in the order specified under Section 20A-6-305
4837 with the surnames last; and

4838 (f) each group is preceded by the designation of the office for which the candidates
4839 seek election, and the words, "Vote for one" or "Vote for up to ____ (the number of
4840 candidates for which the voter may vote)," according to the number to be elected.

4841 (4) Each election officer shall ensure that:

4842 (a) proposed amendments to the Utah Constitution are listed on the ballot in
4843 accordance with Section 20A-6-107;

4844 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
4845 with Section 20A-6-107; and

4846 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
4847 title assigned to each bond proposition under Section 11-14-206.

4848 Section 102. Section **20A-6-302** is amended to read:

4849 **20A-6-302. Manual ballots -- Placement of candidates' names.**

4850 (1) [~~Each~~] An election officer shall ensure, for [~~paper~~] manual ballots in regular
4851 general elections, that:

4852 (a) each candidate is listed by party, if nominated by a registered political party under
4853 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

4854 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
4855 more candidates' names are required to be listed on a ticket under the title of an office; and

4856 (c) the names of candidates are placed on the ballot in the order specified under Section
4857 20A-6-305.

4858 (2) (a) When there is only one candidate for county attorney at the regular general
4859 election in counties that have three or fewer registered voters of the county who are licensed
4860 active members in good standing of the Utah State Bar, the county clerk shall cause that
4861 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
4862 with the following question: "Shall (name of candidate) be elected to the office of county
4863 attorney? Yes ____ No ____."

4864 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4865 elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified ~~person~~ individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

(3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes ____ No ____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified ~~[person]~~ individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (3)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Section 103. Section **20A-6-304** is amended to read:

20A-6-304. Regular general election -- Mechanical ballots.

(1) Each election officer shall ensure that:

(a) the format and content of ~~[the electronic]~~ a mechanical ballot is arranged in approximately the same order as ~~[paper]~~ manual ballots;

(b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate ~~[display screens]~~ displays;

(c) the ~~[electronic]~~ mechanical ballot is of sufficient length to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(e) the party designation of each candidate who has been nominated by a registered

4928 political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed
4929 adjacent to the candidate's name; and

4930 (f) if possible, all candidates for one office are grouped in one column or upon one
4931 display screen.

4932 (2) Each election officer shall ensure that:

4933 (a) proposed amendments to the Utah Constitution are displayed in accordance with
4934 Section 20A-6-107;

4935 (b) ballot propositions submitted to the voters are displayed in accordance with Section
4936 20A-6-107; and

4937 (c) bond propositions that have qualified for the ballot are displayed under the title
4938 assigned to each bond proposition under Section 11-14-206.

4939 Section 104. Section **20A-6-401** is amended to read:

4940 **20A-6-401. Ballots for municipal primary elections.**

4941 (1) Each election officer shall ensure that:

4942 (a) the following endorsements are printed in 18 point bold type:

4943 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";

4944 (ii) the date of the election; and

4945 (iii) a facsimile of the signature of the election officer and the election officer's title in
4946 eight point type;

4947 (b) immediately below the election officer's title, two one-point parallel horizontal
4948 rules separate endorsements from the rest of the ballot;

4949 (c) immediately below the horizontal rules, an "Instructions to Voters" section is
4950 printed in 10 point bold type that states: "To vote for a candidate, ~~[place a cross (X) in the~~
4951 ~~square]~~ mark the space following the name(s) of the person(s) you favor as the candidate(s) for
4952 each respective office." followed by two one-point parallel rules;

4953 (d) after the rules, the designation of the office for which the candidates seek
4954 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
4955 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
4956 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

4957 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
4958 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305

with surnames last and grouped according to the office that they seek;

(f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and

(g) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Section 105. Section **20A-6-401.1** is amended to read:

20A-6-401.1. Ballots for partisan municipal primary elections.

~~[(1) If a municipality is using paper ballots, each]~~

(1) An election officer shall ensure that:

(a) all ~~[paper]~~ manual ballots furnished for use at the regular primary election:

(i) separate the candidates of one political party from those of the other political parties; and

(ii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;

(d) the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for ____ (name of municipality), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the ~~[municipal clerk or recorder and the words "municipal clerk" or "municipal recorder"]~~ election officer and the election officer's title in eight point type;

(e) after the facsimile signature, the political party emblem and the name of the political party are printed;

(f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, ~~[place a cross (X) in the square immediately adjacent to]~~ mark the space following the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point

4990 parallel horizontal rules;

4991 (g) after the rules, the designation of the office for which the candidates seek
4992 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote
4993 for up to ____ (the number of candidates for which the voter may vote)" are printed to extend
4994 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

4995 (h) after the hair-line rule, the names of the candidates are printed in heavy face type
4996 between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305
4997 with surnames last and grouped according to the office that they seek;

4998 (i) a square with sides not less than one-fourth inch long is printed immediately
4999 adjacent to the names of the candidates;

5000 (j) the candidate groups are separated from each other by one light and one heavy line
5001 or rule; and

5002 (k) the nonpartisan candidates are listed as follows:

5003 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"
5004 is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of
5005 the party listing above; and

5006 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the
5007 candidate's name, the voting square, and any other necessary information is printed in the same
5008 style and manner as for party candidates.

5009 (2) ~~[(a) If a municipality is using ballot sheets or electronic]~~ For mechanical ballots, the
5010 election officer may require that:

5011 ~~[(i)]~~ (a) the ballot~~[-or ballot label in the case of a punch card ballot,]~~ for a regular
5012 primary election consist of several groups of pages or display screens, so that a separate group
5013 can be used to list the names of candidates seeking nomination of each qualified political party,
5014 with additional groups used to list candidates for other nonpartisan offices;

5015 ~~[(ii)]~~ (b) the separate groups of pages or display screens are identified by color or other
5016 suitable means; and

5017 ~~[(iii)]~~ (c) the ballot ~~[or ballot label contain]~~ contains instructions that direct the voter
5018 how to vote the ballot.

5019 ~~[(b) If a municipality is using ballot sheets or electronic ballots, each election officer~~
5020 ~~shall:]~~

~~[(i) for municipalities using punch card ballots, ensure that the ballot label provides a means for the voter to designate the political party in whose primary the voter is voting; and]~~
~~[(ii) determine the order for printing the names of the political parties on the ballot label in accordance with Section 20A-6-305.]~~

Section 106. Section **20A-6-402** is amended to read:

20A-6-402. Ballots for municipal general elections.

(1) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, ~~[when using a paper ballot]~~ for a manual ballot at a municipal general ~~[elections, each]~~ election, an election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon the municipal general election ballot;

(d) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;

(e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each office in which there is a qualified write-in candidate:

(i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and

(ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable the voter to indicate the voter's vote;

(f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and

(g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

~~[(2) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a punch card ballot at municipal general elections, each election officer shall ensure that:]~~

~~[(a) the following endorsements are printed in 18 point bold type:]~~

~~[(i) "Official Ballot for _____ (City, Town, or Metro Township), Utah";]~~

~~[(ii) the date of the election; and]~~

~~[(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type;]~~

~~[(b) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;]~~

~~[(c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;]~~

~~[(d) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;]~~

~~[(e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;]~~

~~[(f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;]~~

~~[(g) following the name of the last candidate for each office in which a write-in candidate is qualified under Section 20A-9-601, the ballot contains:]~~

~~[(i) a write-in space for each elective office in which a write-in candidate is qualified where the voter may enter the name of a valid write-in candidate; and]~~

~~[(ii) a square printed immediately adjacent to the write-in space or line where the voter may vote for a valid write-in candidate; and]~~

5083 ~~[(h) the candidate groups are separated from each other by one light and one heavy line~~
5084 ~~or rule;]~~

5085 ~~[(3) Except as otherwise required for a race conducted by instant runoff voting under~~
5086 ~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a~~
5087 ~~ballot sheet other than a punch card ballot at municipal general elections, each election officer~~
5088 ~~shall ensure that:]~~

5089 ~~[(a) the following endorsements are printed:]~~

5090 ~~[(i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";]~~

5091 ~~[(ii) the date of the election; and]~~

5092 ~~[(iii) a facsimile of the signature of the election officer and the election officer's title;]~~

5093 ~~[(b) immediately below the election officer's title, a distinct border or line separates~~
5094 ~~endorsements from the rest of the ballot;]~~

5095 ~~[(c) immediately below the border or line, an "Instructions to Voters" section is printed~~
5096 ~~that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the~~
5097 ~~candidate(s) for each respective office." followed by another border or line;]~~

5098 ~~[(d) after the border or line, the designation of the office for which the candidates seek~~
5099 ~~election is printed and the words, "Vote for one" or "Vote for up to ____ (the number of~~
5100 ~~candidates for which the voter may vote)" are printed, followed by a line or border;]~~

5101 ~~[(e) after the line or border, the names of the candidates are printed in the order~~
5102 ~~specified under Section 20A-6-305 with surnames last and grouped according to the office that~~
5103 ~~they seek;]~~

5104 ~~[(f) an oval is printed adjacent to the names of the candidates;]~~

5105 ~~[(g) following the name of the last candidate for each office in which a write-in~~
5106 ~~candidate is qualified under Section 20A-9-601, the ballot contains:]~~

5107 ~~[(i) a write-in space or blank line for each elective office in which a write-in candidate~~
5108 ~~is qualified where the voter may enter the name of a valid write-in candidate; and]~~

5109 ~~[(ii) an oval printed adjacent to the write-in space or line where the voter may vote for~~
5110 ~~a valid write-in candidate; and]~~

5111 ~~[(h) the candidate groups are separated from each other by a line or border.]~~

5112 ~~[(4)]~~ (2) Except as otherwise required for a race conducted by instant runoff voting
5113 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when

5114 using ~~[an electronic]~~ a mechanical ballot at municipal general elections, each election officer
5115 shall ensure that:

5116 (a) the following endorsements are displayed on the first ~~[screen]~~ portion of the ballot:

5117 (i) "Official Ballot for ____ (City, Town, or Metro Township), Utah";

5118 (ii) the date of the election; and

5119 (iii) a facsimile of the signature of the election officer and the election officer's title;

5120 (b) immediately below the election officer's title, a distinct border or line separates the
5121 endorsements from the rest of the ballot;

5122 (c) immediately below the border or line, an "Instructions to Voters" section is
5123 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as
5124 the candidate(s) for each respective office." followed by another border or line;

5125 (d) after the border or line, the designation of the office for which the candidates seek
5126 election is displayed, and the words, "Vote for one" or "Vote for up to ____ (the number of
5127 candidates for which the voter may vote)" are displayed, followed by a line or border;

5128 (e) after the line or border, the names of the candidates are displayed in the order
5129 specified under Section 20A-6-305 with surnames last and grouped according to the office that
5130 they seek;

5131 (f) a voting square or position is located adjacent to the name of each candidate;

5132 (g) following the name of the last candidate for each office in which a write-in
5133 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the
5134 voter may enter the name of and vote for a valid write-in candidate for the office; and

5135 (h) the candidate groups are separated from each other by a line or border.

5136 ~~[(5)]~~ (3) When a municipality has chosen to nominate candidates by convention or
5137 committee, the election officer shall ensure that the party name is included with the candidate's
5138 name on the ballot.

5139 Section 107. Section **20A-7-607** is amended to read:

5140 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
5141 **referendum.**

5142 (1) When each referendum packet is received from a county clerk, the local clerk shall
5143 check off from the local clerk's record the number of each referendum packet filed.

5144 (2) Within two days after the day on which the local clerk receives each referendum

5145 packet from a county clerk, the local clerk shall:

5146 (a) count the number of the names certified by the county clerks that appear on each
5147 verified signature sheet;

5148 (b) if the total number of certified names from each verified signature sheet equals or
5149 exceeds the number of names required by Section 20A-7-601 and the requirements of this part
5150 are met, mark upon the front of the petition the word "sufficient";

5151 (c) if the total number of certified names from each verified signature sheet does not
5152 equal or exceed the number of names required by Section 20A-7-601 or a requirement of this
5153 part is not met, mark upon the front of the petition the word "insufficient"; and

5154 (d) notify any one of the sponsors of the local clerk's finding.

5155 (3) If the local clerk finds the total number of certified signatures from each verified
5156 signature sheet to be insufficient, any sponsor may file a written demand with the local clerk
5157 for a recount of the signatures appearing on the referendum petition in the presence of any
5158 sponsor.

5159 (4) (a) If the local clerk refuses to accept and file any referendum petition, any voter
5160 may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days
5161 after the refusal.

5162 (b) If a court determines that the referendum petition is legally sufficient, the local
5163 clerk shall file ~~[it]~~ the petition, with a verified copy of the judgment attached to ~~[it]~~ the petition,
5164 as of the date on which it was originally offered for filing in the local clerk's office.

5165 (c) If a court determines that any petition filed is not legally sufficient, the court may
5166 enjoin the local clerk and all other officers from:

5167 (i) certifying or printing the ballot title and numbers of that measure on the official
5168 ballot for the next election; or

5169 (ii) as it relates to a local tax law that is conducted entirely by ~~[absentee ballot]~~ mail,
5170 certifying, printing, or mailing the ballot title and numbers of that measure under Section
5171 20A-7-609.5.

5172 (5) A petition determined to be sufficient in accordance with this section is qualified
5173 for the ballot.

5174 (6) (a) If a referendum relates to legislative action taken after April 15, the election
5175 officer may not place the referendum on an election ballot until a primary election, a general

5176 election, or a special election the following year.

5177 (b) For a referendum on a land use law, if, before August 30, the local clerk or a court
5178 determines that the total number of certified names equals or exceeds the number of signatures
5179 required in Section 20A-7-601, the election officer shall place the referendum on the election
5180 ballot for the next general election.

5181 Section 108. Section **20A-7-609.5** is amended to read:

5182 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
5183 **by mail.**

5184 (1) An election officer may administer an election on a referendum challenging a local
5185 tax law entirely by ~~[absentee ballot]~~ mail.

5186 (2) For purposes of an election conducted under this section, the election officer shall:

5187 (a) designate as the election day the day that is 30 days after the day on which the
5188 election officer complies with Subsection (2)(b); and

5189 (b) within 30 days after the day on which the referendum described in Subsection (1)
5190 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
5191 local tax law applies:

5192 (i) ~~[an absentee]~~ a manual ballot;

5193 (ii) a statement that there will be no polling place ~~[in the voting precinct]~~ for the
5194 election;

5195 (iii) a statement specifying the election day described in Subsection (2)(a);

5196 (iv) a business reply mail envelope;

5197 (v) instructions for returning the ballot that include an express notice about any
5198 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

5199 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
5200 the voter fails to follow the instructions included with the ~~[absentee]~~ manual ballot, the voter
5201 will be unable to vote in that election because there will be no polling place ~~[in the voting~~
5202 ~~precinct on the day of]~~ for the election; and

5203 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
5204 proposition information pamphlet relating to the referendum was published under Section
5205 20A-7-401.5; or

5206 (B) a website address where an individual may view a copy of the proposition

5207 information pamphlet described in Subsection (2)(b)(vii)(A).

5208 ~~[(3) A voter who votes by absentee ballot under this section is not required to apply for~~
5209 ~~an absentee ballot as required by this part.]~~

5210 ~~[(4)]~~ (3) An election officer who administers an election under this section shall:

5211 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
5212 the election; or

5213 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

5214 and

5215 (b) maintain the signatures on file in the election officer's office.

5216 ~~[(5)]~~ (4) (a) Upon receiving ~~[the]~~ a returned ~~[absentee ballots]~~ manual ballot under this
5217 section, the election officer shall compare the signature on each ~~[absentee ballot]~~ return
5218 envelope with the voter's signature that is maintained on file and verify that the signatures are
5219 the same.

5220 (b) If the election officer questions the authenticity of the signature on the ~~[absentee~~
5221 ~~ballot]~~ return envelope, the election officer shall immediately contact the voter to verify the
5222 signature.

5223 (c) If there is not a signature on the return envelope or if the election officer determines
5224 that the signature on the ~~[absentee ballot]~~ return envelope does not match the voter's signature
5225 that is maintained on file, the election officer shall:

5226 ~~[(i) unless the absentee ballot application deadline described in Section 20A-3-304 has~~
5227 ~~passed, immediately send another absentee ballot and other voting materials as required by this~~
5228 ~~section to the voter; and]~~

5229 ~~[(ii)]~~ (i) disqualify the [initial absentee ballot:] ballot; and

5230 (ii) notify the voter of the disqualification and the reason for the disqualification.

5231 Section 109. Section **20A-7-613** is amended to read:

5232 **20A-7-613. Property tax referendum petition.**

5233 (1) As used in this section, "certified tax rate" means the same as that term is defined in
5234 Section 59-2-924.

5235 (2) Except as provided in this section, the requirements of this part apply to a
5236 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that
5237 exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies with Subsection 20A-7-604(2).

(4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

~~[(8) Notwithstanding the requirements related to absentee ballots under this title:]~~

~~[(a) the election officer shall prepare absentee ballots for those voters who have requested an absentee ballot as soon as possible after the ballot title is prepared as described in Subsection (6); and]~~

~~[(b)]~~ (8) [the] The election officer shall mail [absentee] manual ballots on a referendum under this section the later of:

~~[(i)]~~ (a) the time provided in Section ~~[20A-3-305]~~ 20A-3a-202 or 20A-16-403; or

~~[(ii)]~~ (b) the time that [absentee] ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity]".

(12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(13) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

5300 Section 110. Section **20A-7-702** is amended to read:

5301 **20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.**

5302 (1) The lieutenant governor shall ensure that all information submitted for publication
5303 in the voter information pamphlet is:

5304 (a) printed and bound in a single pamphlet;

5305 (b) printed in clear readable type, no less than 10 point, except that the text of any
5306 measure may be set forth in eight-point type; and

5307 (c) printed on a quality and weight of paper that best serves the voters.

5308 (2) The voter information pamphlet shall contain the following items in this order:

5309 (a) a cover title page;

5310 (b) an introduction to the pamphlet by the lieutenant governor;

5311 (c) a table of contents;

5312 (d) a list of all candidates for constitutional offices;

5313 (e) a list of candidates for each legislative district;

5314 (f) a 100-word statement of qualifications for each candidate for the office of governor,
5315 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
5316 candidate to the lieutenant governor's office before 5 p.m. on the first business day in August
5317 before the date of the election;

5318 (g) information pertaining to all measures to be submitted to the voters, beginning a
5319 new page for each measure and containing, in the following order for each measure:

5320 (i) a copy of the number and ballot title of the measure;

5321 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
5322 the Legislature or by referendum;

5323 (iii) the impartial analysis of the measure prepared by the Office of Legislative
5324 Research and General Counsel;

5325 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
5326 measure, the arguments against the measure, and the rebuttal to the arguments against the
5327 measure, with the name and title of the authors at the end of each argument or rebuttal;

5328 (v) for each constitutional amendment, a complete copy of the text of the constitutional
5329 amendment, with all new language underlined, and all deleted language placed within brackets;

5330 (vi) for each initiative qualified for the ballot:

(A) a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and

(B) if the initiative proposes a tax increase, the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

(vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) a list of the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) a narrative concerning the judge's performance;

(D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

(G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(k) voter registration information, including information on how to obtain ~~an~~ absentee ballot;

(l) a list of all county clerks' offices and phone numbers;

(m) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(n) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(o) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

(a) (i) distribute one copy of the voter information pamphlet to each household within the state;

(ii) distribute to each household within the state a notice:

(A) printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail;

(B) that states the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(C) that states the phone number a voter may call to request delivery of a voter information pamphlet by mail; or

(iii) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

(4) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

Section 111. Section **20A-7-801** is amended to read:

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a

5424 state-provided Internet website designed to help inform the voters of the state of:
5425 (a) the offices and candidates up for election; and
5426 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
5427 of ballot propositions submitted to the voters.
5428 (3) Except as provided under Subsection (6), the website shall include:
5429 (a) all information currently provided in the Utah voter information pamphlet under
5430 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and
5431 submitted by the Judicial Council describing the judicial selection and retention process;
5432 (b) all information submitted by election officers under Subsection (4) on local office
5433 races, local office candidates, and local ballot propositions;
5434 (c) a list that contains the name of a political subdivision that operates an election day
5435 voting center under Section ~~[20A-3-703]~~ 20A-3a-703 and the location of the election day
5436 voting center;
5437 (d) other information determined appropriate by the lieutenant governor that is
5438 currently being provided by law, rule, or ordinance in relation to candidates and ballot
5439 questions; and
5440 (e) any differences in voting method, time, or location designated by the lieutenant
5441 governor under Subsection 20A-1-308(2).
5442 (4) (a) An election official shall submit the following information for each ballot
5443 ~~[label]~~ under the election official's direct responsibility under this title:
5444 (i) a list of all candidates for each office;
5445 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later
5446 than 45 days before the primary election or before 5 p.m. no later than 60 days before the
5447 general election:
5448 (A) a statement of qualifications, not exceeding 200 words in length, for each
5449 candidate;
5450 (B) the following current biographical information if desired by the candidate, current:
5451 (I) age;
5452 (II) occupation;
5453 (III) city of residence;
5454 (IV) years of residence in current city; and

5455 (V) email address; and
5456 (C) a single web address where voters may access more information about the
5457 candidate and the candidate's views; and
5458 (iii) factual information pertaining to all ballot propositions submitted to the voters,
5459 including:
5460 (A) a copy of the number and ballot title of each ballot proposition;
5461 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
5462 vote was required to place the ballot proposition on the ballot;
5463 (C) a complete copy of the text of each ballot proposition, with all new language
5464 underlined and all deleted language placed within brackets; and
5465 (D) other factual information determined helpful by the election official.
5466 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
5467 governor no later than one business day after the deadline under Subsection (4)(a) for each
5468 general election year and each municipal election year.
5469 (c) The lieutenant governor shall:
5470 (i) review the information submitted under this section, to determine compliance under
5471 this section, prior to placing it on the website;
5472 (ii) refuse to post information submitted under this section on the website if it is not in
5473 compliance with the provisions of this section; and
5474 (iii) organize, format, and arrange the information submitted under this section for the
5475 website.
5476 (d) The lieutenant governor may refuse to include information the lieutenant governor
5477 determines is not in keeping with:
5478 (i) Utah voter needs;
5479 (ii) public decency; or
5480 (iii) the purposes, organization, or uniformity of the website.
5481 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
5482 Subsection (5).
5483 (5) (a) A person whose information is refused under Subsection (4), and who is
5484 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
5485 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

5486 A notice of appeal submitted under this Subsection (5)(a) shall contain:

5487 (i) a listing of each objection to the lieutenant governor's determination; and

5488 (ii) the basis for each objection.

5489 (b) The lieutenant governor shall review the notice of appeal and shall issue a written

5490 response within 10 business days after the day on which the notice of appeal is submitted.

5491 (c) An appeal of the response of the lieutenant governor shall be made to the district

5492 court, which shall review the matter de novo.

5493 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently

5494 enter the voter's address information on the website to retrieve information on which offices,

5495 candidates, and ballot propositions will be on the voter's ballot at the next general election or

5496 municipal election.

5497 (b) The information on the website will anticipate and answer frequent voter questions

5498 including the following:

5499 (i) what offices are up in the current year for which the voter may cast a vote;

5500 (ii) who is running for what office and who is the incumbent, if any;

5501 (iii) what address each candidate may be reached at and how the candidate may be

5502 contacted;

5503 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

5504 (v) what qualifications have been submitted by each candidate;

5505 (vi) where additional information on each candidate may be obtained;

5506 (vii) what ballot propositions will be on the ballot; and

5507 (viii) what judges are up for retention election.

5508 (7) As resources are made available and in cooperation with the county clerks, the

5509 lieutenant governor may expand the electronic voter information website program to include

5510 the same information as provided under this section for special elections and primary elections.

5511 Section 112. Section **20A-9-406** is amended to read:

5512 **20A-9-406. Qualified political party -- Requirements and exemptions.**

5513 The following provisions apply to a qualified political party:

5514 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each

5515 odd-numbered year, certify to the lieutenant governor the identity of one or more registered

5516 political parties whose members may vote for the qualified political party's candidates and

5517 whether unaffiliated voters may vote for the qualified political party's candidates;
5518 (2) the provisions of Subsections 20A-9-403(1) through (4)(a), Subsection
5519 20A-9-403(5)(c), and Section 20A-9-405 do not apply to a nomination for the qualified
5520 political party;
5521 (3) an individual may only seek the nomination of the qualified political party by using
5522 a method described in Section 20A-9-407, Section 20A-9-408, or both;
5523 (4) the qualified political party shall comply with the provisions of Sections
5524 20A-9-407, 20A-9-408, and 20A-9-409;
5525 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(f), or (2)(a), each election officer
5526 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
5527 by a qualified political party:
5528 (a) under the qualified political party's name, if any; or
5529 (b) under the title of the qualified registered political party as designated by the
5530 qualified political party in the certification described in Subsection (1), or, if none is
5531 designated, then under some suitable title;
5532 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
5533 [paper] ballots in regular general elections, that each candidate who is nominated by the
5534 qualified political party is listed by party;
5535 [~~(7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure~~
5536 ~~that the party designation of each candidate who is nominated by the qualified political party is~~
5537 ~~printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;]~~
5538 [(8)] (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall
5539 ensure that the party designation of each candidate who is nominated by the qualified political
5540 party is displayed adjacent to the candidate's name on [~~an electronic~~] a mechanical ballot;
5541 [(9)] (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
5542 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
5543 20A-9-408 to run in a regular general election for a federal office, constitutional office,
5544 multicounty office, or county office;
5545 [(10)] (9) an individual who is nominated by, or seeking the nomination of, the
5546 qualified political party is not required to comply with Subsection 20A-9-201(1)(c);
5547 [(11)] (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is

5548 entitled to have each of the qualified political party's candidates for elective office appear on
5549 the primary ballot of the qualified political party with an indication that each candidate is a
5550 candidate for the qualified political party;

5551 ~~[(12)]~~ (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall
5552 include on the list provided by the lieutenant governor to the county clerks:

5553 (a) the names of all candidates of the qualified political party for federal, constitutional,
5554 multicounty, and county offices; and

5555 (b) the names of unopposed candidates for elective office who have been nominated by
5556 the qualified political party and instruct the county clerks to exclude such candidates from the
5557 primary-election ballot;

5558 ~~[(13)]~~ (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed
5559 for an elective office in the regular primary election of the qualified political party is nominated
5560 by the party for that office without appearing on the primary ballot; and

5561 ~~[(14)]~~ (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and
5562 Section 20A-9-405, the qualified political party is entitled to have the names of its candidates
5563 for elective office featured with party affiliation on the ballot at a regular general election.

5564 Section 113. Section **20A-9-806** is amended to read:

5565 **20A-9-806. Ballots.**

5566 (1) The lieutenant governor, together with county clerks, suppliers of election
5567 materials, and representatives of registered political parties, shall:

5568 (a) develop ~~[paper]~~ manual ballots, ~~[ballot labels, ballot sheets, electronic]~~ mechanical
5569 ballots, return envelopes and provisional ballot envelopes to be used in a presidential primary
5570 election;

5571 (b) ensure that the ~~[paper ballots, ballot labels, ballot sheets, electronic ballots, and~~
5572 provisional] ballots, return envelopes, and provisional ballot envelopes comply generally with
5573 the requirements of Chapter 6, Part 1, General Requirements for All Ballots; and

5574 (c) provide voting booths, election records and supplies, and ballot boxes for each
5575 voting precinct as required by Section 20A-5-403.

5576 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part
5577 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor,
5578 together with county clerks, suppliers of election materials, and representatives of registered

political parties shall ensure that the ~~[paper ballots, ballot labels, ballot sheets, electronic ballots, provisional]~~ ballots, return envelopes, provisional ballot envelopes, ~~[and]~~ voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

(i) mark~~[, prepunch, or otherwise identify ballot sheets]~~ ballots as being for a particular registered political party; and

(ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

(c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:

(i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ~~[ballot sheets]~~ ballots for each registered political party;

(ii) place ~~[ballot labels or]~~ ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or

(iii) consider other means of accomplishing the objectives ~~[outlined]~~ described in Subsection (2)(a).

Section 114. Section **20A-9-808** is amended to read:

20A-9-808. Voting.

Voting in a presidential primary election shall be conducted in accordance with the procedures of Section ~~[20A-3-104.5]~~ 20A-3a-203.

Section 115. Section **20A-11-206** is amended to read:

20A-11-206. State office candidate -- Failure to file reports -- Penalties.

(1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:

(a) that the state office candidate failed to timely file the report; and

(b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(1)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

(4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election official shall:

(i) remove the state office candidate's name from the ballot; or

(ii) if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.

(b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to ~~[an absentee voter]~~ a mailed ballot, including a military or overseas ~~[absentee voter]~~ ballot, by including with the ~~[absentee]~~ ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.

(5) A state office candidate is not disqualified if:

(a) the state office candidate timely files the reports described in Subsections 20A-11-204(1)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information

required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
and

(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
an amended report or the next scheduled report.

(6) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
governor shall review each filed summary report to ensure that:

(i) each state office candidate that is required to file a summary report has filed one;
and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state office candidate has failed to file the summary report
required by law, if it appears that a filed summary report does not conform to the law, or if the
lieutenant governor has received a written complaint alleging a violation of the law or the
falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
violation or receipt of a written complaint, notify the state office candidate of the violation or
written complaint and direct the state office candidate to file a summary report correcting the
problem.

(c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
report within seven days after receiving notice from the lieutenant governor described in this
Subsection (6).

(ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
attorney general.

(iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
governor shall impose a civil fine of \$100 against a state office candidate who violates
Subsection (6)(c)(i).

Section 116. Section **20A-11-305** is amended to read:

20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.

(1) A legislative office candidate who fails to file a financial statement before the
deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a legislative office candidate fails to file an interim report described in

Subsections 20A-11-303(1)(b)(ii) through (iv), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:

(a) that the legislative office candidate failed to timely file the report; and

(b) that, if the legislative office candidate fails to file the report within 24 hours after the deadline for filing the report, the legislative office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(1)(b)(ii) through (iv) within 24 hours after the deadline for filing the report.

(b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.

(4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the election officer shall:

(i) remove the legislative office candidate's name from the ballot; or

(ii) if removing the legislative office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the legislative office candidate has been disqualified and that votes cast for the legislative office candidate will not be counted.

(b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to ~~[an absentee voter]~~ a mailed ballot, including a military or overseas ~~[absentee voter]~~ ballot, by including with the ~~[absentee]~~ ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.

(5) A legislative office candidate is not disqualified if:

(a) the legislative office candidate files the reports described in Subsections 20A-11-303(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.

(6) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each legislative office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).

(ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a legislative office candidate who violates Subsection (6)(c)(i).

Section 117. Section **20A-11-1305** is amended to read:

20A-11-1305. School board office candidate -- Failure to file statement --

Penalties.

(1) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic

5734 notice to the school board office candidate and the political party of which the school board
5735 office candidate is a member, if any, that states:

5736 (a) that the school board office candidate failed to timely file the report; and

5737 (b) that, if the school board office candidate fails to file the report within 24 hours after
5738 the deadline for filing the report, the school board office candidate will be disqualified and the
5739 political party will not be permitted to replace the candidate.

5740 (3) (a) The lieutenant governor shall disqualify a school board office candidate and
5741 inform the county clerk and other appropriate election officials that the school board office
5742 candidate is disqualified if the school board office candidate fails to file an interim report
5743 described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline
5744 for filing the report.

5745 (b) The political party of a school board office candidate who is disqualified under
5746 Subsection (3)(a) may not replace the school board office candidate.

5747 (4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the
5748 election officer shall:

5749 (i) remove the school board office candidate's name from the ballot; or

5750 (ii) if removing the school board office candidate's name from the ballot is not
5751 practicable, inform the voters by any practicable method that the school board office candidate
5752 has been disqualified and that votes cast for the school board office candidate will not be
5753 counted.

5754 (b) An election officer may fulfill the requirement described in Subsection (4)(a) in
5755 relation to ~~[an absentee voter]~~ a mailed ballot, including a military or overseas ~~[absentee voter]~~
5756 ballot, by including with the ~~[absentee]~~ ballot a written notice directing the voter to a public
5757 website that will inform the voter whether a candidate on the ballot is disqualified.

5758 (5) A school board office candidate is not disqualified if:

5759 (a) the school board office candidate files the reports described in Subsections
5760 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable deadlines for
5761 filing the reports;

5762 (b) the reports are completed, detailing accurately and completely the information
5763 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
5764 and

(c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.

(6) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each school board office candidate who is required to file a summary report has filed the report; and

(ii) each summary report contains the information required by this part.

(b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven days after receiving the notice described in Subsection (6)(b) from the lieutenant governor.

(ii) Each school board office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (6)(c)(i).

Section 118. Section **20A-16-202** is amended to read:

20A-16-202. Report on ballots.

(1) ~~[Not]~~ No later than 60 days after each regular general election date, each county clerk shall submit a report to the lieutenant governor indicating:

(a) the number of ballots sent to covered voters; and

(b) the number of ballots returned by covered voters that were counted.

(2) ~~[Not]~~ No later than 90 days after each regular general election date, the lieutenant

5796 governor shall submit a statewide report to the Election Assistance Commission that includes
 5797 the information required by Subsection (1).

5798 Section 119. Section **20A-16-401** is amended to read:

5799 **20A-16-401. Methods of applying for military-overseas ballots.**

5800 (1) A covered voter who is registered to vote in the state may apply for a
 5801 military-overseas ballot ~~[using]:~~

5802 ~~[(a) an absentee ballot application under Section 20A-3-304; or]~~

5803 ~~[(b) (i)]~~ (a) via the federal postcard application; ~~[or]~~

5804 ~~[(ii)]~~ (b) via the federal postcard application's electronic equivalent~~[-]; or~~

5805 (c) by otherwise making a request in writing.

5806 (2) A covered voter who is not registered to vote in this state may use a federal
 5807 postcard application or the federal postcard application's electronic equivalent to apply
 5808 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

5809 (3) (a) The lieutenant governor shall ensure that the electronic transmission system
 5810 described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal
 5811 postcard application and any other approved electronic military-overseas ballot application sent
 5812 to the appropriate election official.

5813 (b) The voter may use the electronic transmission system or any other approved
 5814 method to apply for a military-overseas ballot.

5815 (4) A covered voter may use the declaration accompanying a federal write-in absentee
 5816 ballot as an application for a military-overseas ballot simultaneously with the submission of the
 5817 federal write-in absentee ballot, if the declaration is received by the appropriate election official
 5818 by the Thursday immediately before the election.

5819 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate
 5820 election official that the voter is a covered voter by:

5821 (a) the use of a federal postcard application or federal write-in absentee ballot;

5822 (b) the use of an overseas address on an approved voter registration application or
 5823 ballot application; or

5824 (c) the inclusion on an approved voter registration application or ballot application of
 5825 other information sufficient to identify the voter as a covered voter.

5826 (6) This chapter does not preclude a covered voter from voting ~~[under Chapter 3, Part~~

5827 ~~3, Absentee Voting]~~ via a manual ballot by mail.

5828 Section 120. Section **20A-16-406** is amended to read:

5829 **20A-16-406. Disposition of ballot by county clerk.**

5830 (1) Upon receipt by the county clerk of the envelope containing a military-overseas
5831 ballot, the county clerk shall:

5832 (a) enclose the unopened envelope containing the ballot and the written application of
5833 the covered voter in a larger envelope;

5834 (b) securely seal and endorse it with:

5835 (i) the name or number of the proper voting precinct;

5836 (ii) the name and official title of the clerk; and

5837 (iii) the words: "This envelope contains an absentee voter's official Utah election ballot
5838 to be voted at ____ (Insert Name and Number) precinct, in ____ (Insert Name) county, and
5839 may be opened on election day at the polls while the polls are open."; and

5840 (c) safely keep the envelope in the county clerk's office until the envelope is delivered
5841 by the county clerk to the proper election judges.

5842 (2) (a) When reasonably possible, the county clerk shall deliver or mail all
5843 military-overseas voter ballot envelopes to the appropriate voting precinct election judges so
5844 that the ballots may be processed on election day.

5845 (b) If the clerk is unable to determine the voting precinct to which the ballot should be
5846 sent or when valid ballots are received too late to deliver to the election judges on election day,
5847 the clerk shall keep them in a safe place until delivery can be made as required by Section
5848 ~~[20A-3-309]~~ 20A-3a-402.

5849 Section 121. Section **20A-16-407** is amended to read:

5850 **20A-16-407. Duty of election judges.**

5851 (1) (a) Voting precinct election judges shall open envelopes containing
5852 military-overseas ballots that are in the judges' custody on election day at the polling places
5853 during the time the polls are open as provided in this subsection.

5854 (b) The election judges shall:

5855 (i) first, open the outer envelope only; and

5856 (ii) compare the signature of the covered voter on the application with the signature on
5857 the registration and voting certificate.

(2) (a) The judges shall register the covered voter to vote if the voter is not already registered if the judges find that:

(i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the covered voter to be registered as a voter; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the registration; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of _____ ." with the reason for the rejection placed in the blank.

(c) When a covered voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the covered voter on the back of the ballot envelope, together with the covered voter's name upon the registration books, constitute the covered voter's registration record.

(d) Nothing in this title may abridge the right of the covered voter to be registered as provided in this section.

(3) (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:

(i) the registration and voting certificate is sufficient; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) The election judges shall:

(i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;

~~[(ii) initial the stub in the same manner as for other ballots;]~~

~~[(iii)]~~ (ii) deposit the ballot in the proper ballot box; and

~~[(iv)]~~ (iii) mark the official register and pollbook to show that the voter has voted.

(c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

- 5889 (i) disallow the vote; and
- 5890 (ii) without opening the ballot envelope, mark across the face of the envelope
- 5891 "Rejected as defective because of _____ ." with the reason for the rejection placed in the
- 5892 blank.
- 5893 (4) The election judges shall deposit the envelope, when the ballot is voted, and the
- 5894 envelope with its contents unopened, when the absent vote is rejected, in the ballot box
- 5895 containing the ballots.
- 5896 (5) The county clerk shall retain and preserve the envelopes in the manner provided by
- 5897 law for the retention and preservation of official ballots voted at that election.
- 5898 Section 122. Section **63I-2-220** is amended to read:
- 5899 **63I-2-220. Repeal dates -- Title 20A.**
- 5900 (1) On January 1, 2021:
- 5901 (a) Subsection 20A-1-201.5(1), the language that states "Except as provided in
- 5902 Subsection (4)," is repealed.
- 5903 (b) Subsection 20A-1-201.5(4) is repealed.
- 5904 (c) Subsections 20A-1-204(1)(a)(i) through (iii) are repealed and replaced with the
- 5905 following:
- 5906 "(i) the fourth Tuesday in June; or
- 5907 (ii) the first Tuesday after the first Monday in November."
- 5908 (d) In Subsections 20A-1-503(4)(c), 20A-9-202(3)(a), 20A-9-403(3)(d)(ii),
- 5909 20A-9-407(5) and (6)(a), and 20A-9-408(5), immediately following the reference to Subsection
- 5910 20A-9-202(1)(b), the language that states "(i) or (ii)" is repealed.
- 5911 (e) Subsection 20A-9-202(1)(b) is repealed and replaced with the following:
- 5912 "(b) Unless expressly provided otherwise in this title, for a registered political party
- 5913 that is not a qualified political party, the deadline for filing a declaration of candidacy for an
- 5914 elective office that is to be filled at the next regular general election is 5 p.m. on the first
- 5915 Monday after the third Saturday in April.";
- 5916 (f) Subsection 20A-9-409(4)(c) is repealed and replaced with the following:
- 5917 "(c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after
- 5918 the third Saturday in April."
- 5919 (2) Subsection 20A-5-803(8) is repealed July 1, 2023.

5920 (3) Section 20A-5-804 is repealed July 1, 2023.

5921 (4) On January 1, 2026:

5922 (a) In Subsection 20A-1-102~~[(22)]~~(18)(a), the language that states "or Title 20A,

5923 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

5924 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as

5925 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is

5926 repealed.

5927 (c) In Section 20A-1-304, the language that states "Except for a race conducted by

5928 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods

5929 Pilot Project," is repealed.

5930 (d) In Subsection ~~[20A-3-105]~~ 20A-3a-204(1)(a), ~~(c), or (d)~~, the language that states

5931 ~~["Except"]~~ "except as provided in Subsection ~~[(5)]~~ (6)," is repealed.

5932 ~~[(e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states~~

5933 ~~"Except as provided in Subsections (5) and (6)," is repealed.]~~

5934 ~~[(f)]~~ (e) ~~[In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a)]~~ Subsection 20A-3a-204

5935 (5)(b), the language that states ~~["Subject"]~~ "subject to Subsection ~~[(5)]~~ (6)," is repealed.

5936 ~~[(g)]~~ (f) Subsection ~~[20A-3-105(5)]~~ 20A-3a-204(6) is repealed and the remaining

5937 subsections in Section ~~[20A-3-105]~~ 20A-3a-204 are renumbered accordingly.

5938 ~~[(h)]~~ (g) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in

5939 Subsection (2)(f)," is repealed.

5940 ~~[(i)]~~ (h) Subsection 20A-4-101(2)(f) is repealed.

5941 ~~[(j)]~~ (i) Subsection 20A-4-101(3) is repealed and replaced with the following:

5942 "(3) To resolve questions that arise during the counting of ballots, a counting judge

5943 shall apply the standards and requirements of Section 20A-4-105."

5944 ~~[(k)]~~ (j) In Subsection 20A-4-102(1)~~[(a)]~~(b), the language that states "or a rule made

5945 under Subsection 20A-4-101(2)(f)(i)" is repealed.

5946 ~~[(l)]~~ (k) Subsection 20A-4-102(1)~~[(b)]~~(c) is repealed and replaced with the following:

5947 "(b) To resolve questions that arise during the counting of ballots, a counting judge

5948 shall apply the standards and requirements of Section 20A-4-105."

5949 ~~[(m)]~~ (l) In Subsection 20A-4-102(6)(a), the language that states ", except as provided

5950 in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule

5951 made under Subsection 20A-4-101(2)(f)(i)" is repealed.

5952 ~~[(m)]~~ (m) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
5953 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
5954 repealed.

5955 ~~[(o)]~~ (n) In Subsection 20A-4-105(2), the language that states "Subsection
5956 ~~[20A-3-105(5)]~~ 20A-3a-204(6), or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
5957 Methods Pilot Project," is repealed.

5958 ~~[(p)]~~ (o) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
5959 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
5960 Project," is repealed.

5961 ~~[(q)]~~ (p) In Subsection 20A-4-106~~[(1)(a)(ii)]~~ (2), the language that states "or Title 20A,
5962 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

5963 ~~[(r)]~~ (q) In Subsection 20A-4-304(1)(a), the language that states "except as provided in
5964 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

5965 ~~[(s)]~~ (r) Subsection 20A-4-304(2)(e) is repealed and replaced with the following:
5966 "(v) from each voting precinct:

5967 (A) the number of votes for each candidate; and

5968 (B) the number of votes for and against each ballot proposition;"

5969 ~~[(t)]~~ (s) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in
5970 Subsection (1) are renumbered accordingly, and the cross-references to those subsections are
5971 renumbered accordingly.

5972 ~~[(u)]~~ (t) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
5973 Project, is repealed.

5974 ~~[(v)]~~ (u) Subsections 20A-5-400.1(1)(c) and (d), relating to contracting with a local
5975 political subdivision to conduct an election, is repealed.

5976 ~~[(w)]~~ Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
5977 Subsection (3) are renumbered accordingly.]

5978 ~~[(x)]~~ Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
5979 Subsection (4) are renumbered accordingly.]

5980 ~~[(y)]~~ (v) In Section 20A-5-802, relating to the certification of voting equipment:

5981 (i) delete "Except as provided in Subsection (2)(b)(ii):" from the beginning of

5982 Subsection (2); and

5983 (ii) Subsection (2)(b)(ii) is repealed, and the remaining subsections are renumbered
5984 accordingly.

5985 ~~[(z)]~~ (w) Section 20A-6-203.5 is repealed.

5986 ~~[(aa)]~~ (x) In Subsections 20A-6-402(1)~~[-]~~ and (2), ~~[(3), and (4);]~~ the language that
5987 states "Except as otherwise required for a race conducted by instant runoff voting under Title
5988 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

5989 ~~[(bb)]~~ (y) In Subsection 20A-9-203(3)(a)(i), the language that states "or Title 20A,
5990 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

5991 ~~[(cc)]~~ (z) In Subsection 20A-9-203(3)(c)(i), the language that states "except as
5992 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
5993 repealed.

5994 ~~[(dd)]~~ (aa) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A,
5995 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

5996 ~~[(ee)]~~ (bb) In Subsection 20A-9-404(2), the language that states "Except as otherwise
5997 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
5998 repealed.

5999 (5) Section 20A-7-407 is repealed January 1, 2021.

6000 Section 123. **Repealer.**

6001 This bill repeals:

6002 Section **20A-3-104.5, Voting -- Regular primary election and presidential primary**
6003 **election.**

6004 Section **20A-3-105, Marking and depositing ballots.**

6005 Section **20A-3-301, Voting by absentee ballot.**

6006 Section **20A-3-303, Form of absentee ballot.**

6007 Section **20A-3-304, Application for absentee ballot -- Time for filing and voting.**

6008 Section **20A-3-305, Mailing of ballot to voter -- Enclose self-addressed envelope --**
6009 **Affidavit.**

6010 Section **20A-3-306, Voting ballot -- Returning ballot.**

6011 Section **20A-3-307, Receipt and processing of absentee ballot.**

6012 Section **20A-3-502, Intimidation -- Undue influence.**

- 6013 Section **20A-5-604, Receipt of ballots by poll workers.**
- 6014 Section **20A-6-303, Regular general election -- Ballot sheets.**